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REPORT ON CRIMINAL JUSTICE

FOR

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APPENDIX.

Divisional Returns

MEMORANDUM

BY

MAJOR GENERAL A. FYTCHE, CHIEF COMMISSIONER, BRITISH BURMA

ON THE

REPORT ON CRIMINAL JUSTICE,

FOR 1868.

INTRODUCTION.

1. The various Criminal Courts in this Province are, as elsewhere, divided into Courts of subordinate Magistrates of the 1st and 2nd Class, of Magistrates with full powers, of district Magistrates, of Sessions Judges and the Chief Court, the latter of which is presided over by the Chief Commissioner, and is the Sudder Court of the Province. In addition to these, however, there are the Courts of Honorary Magistrates several of whom have been appointed but few of whom except Dr. Mountjoy a holder of a grant of land in Akyab and now officiating Civil Surgeon of that Town, ever exercise their powers; several officers in charge of Gaols, Forest Officers and Officers of the Public Works Department have at various times been invested with Judicial powers but except the first, whose jurisdiction is confined to the precinct of the Gaols of which they are in charge, these officers but rarely try cases and in the case of Forest Officers the only cases they try are breaches of Forest Rules. Various Superintendents of Police, also, were invested with Magisterial powers in March 1866, but guided by a Minute by the late Chief Commissioner Sir A. P. Phayre and by the Police Act V of 1861, they do not try cases but exercise such Magisterial powers as may be necessary to bring offenders before the Magistrate, such as issuing warrants for the apprehension of criminals or taking the deposition of witnesses whose death may be considered imminent &c., but they do not exercise these powers except in the absence of the ordinary Magistrate, and only in order to offenders being eventually brought before him; they do not even try and punish members of the Police force under Section 29 of Act V of 1861.

Acts extended and powers conferred on Chief Commissioner.

2. With the exception of the General Clauses Act no Act was passed during the year which affected the criminal Courts, but by notification No. 51 of the Government of India in the Home Department dated 10th January 1868 the Chief Commissioner was invested with those powers of a Local Government which are specified in Sections 23, 49, 51, 390, 395, 396 and 397 of Act XXV of 1861, and he is thus enabled to invest officers with Magisterial powers, to transfer criminals from one Gaol to another within the Province, to order the removal of prisoners sentenced to transportation, and to order the confinement and release of criminal lunatics.

I. STATE OF CRIME.

Arakan.

3. The real criminality of the population is shewn by the non-bailabl offences and these increased from 7456 to 8114, or by 8.82 per cent, the population having increased by 3.22 per cent only. This increase in serious offences was not, however, equally spread over the Province. In Arakan the number increased from 782 to 973 or by 24.42 per cent and here the population increased by 1.53 per cent only. This large increase in crime is due, mainly, to a very sudden increase of dacoity in the Akyab district, of which offence there were 20 cases against 8 the year before, and to an increase in the number of thefts in the Ramree district, which rose from 210 to 359 cases. The district Magistrate of Akyab attributes the increase in dacoities in his district to a want of energy and zeal on the part of the Police, who allowed a gang of dacoits which suddenly sprang up to commit 5 dacoities one after the other before they succeeded in breaking it up. The Sessions Judge on the other hand is inclined to exonerate the Police and to attribute it to the distress which, he says, must have been caused by the cattle murrain, but this is hardly reconcileable with the Report of the district Magistrate who says that prices have not materially risen and that the people are contented and happy. The district Magistrate of Ramree would attribute the increase in theft to the establishment of an opium Farm, but the Chief Commissioner is disposed to agree with the Commissioner and to consider that it is far better to establish an opium shop and thus to regulate the sale of the drug in those places where the people will and do obtain

it, licitly if possible but illicitly if not possible otherwise. The state of this Division as regards crime was not so good as during 1867, but the serious attention of all officers, Police and Magisterial, having been called to the fact it may be hoped that an improvement will shew itself in 1869.

Pegu.

4. In the Pegu Division nonbailable offences increased from 5001 to 5430 or by 8.57 per cent, and bailable from 8259 to 8617 or by 4.34 per cent, the population increasing by 4 per cent about. Murders increased from 38 to 41 cases but dacoity decreased from 199 cases to 135. In 1867 there was a sudden and serious increase in the number of dacoities committed in the Prome, Bassein and Myanoung districts, which called for very strong measures of repression. In these 3 districts the number of offences of this kind has fallen by no less than 87, the Prome district being distinguished by the large decrease which has taken place there viz: from 126 cases to 70. This is mainly due to the exertions of the Superintendent of Police, Capt. T. Lowndes, who was transferred there from Port Blair, and of the district Magistrates who in turn relieved the officer who formerly had charge of this district, and who has since been removed from the Commission. Against this decrease however must be set an increase in the Toungoo and Rangoon districts. This was probably caused in the former by marauders encouraged by the disturbed state of the Burman frontier where the Myengoon Prince was, for a portion of the year, in active rebellion against his father, and in the latter by the machinations of the same Prince who came down with a view to cause a disturbance but who was captured before he had done any harm other than unsettling the minds of the people; and it is noticeable that after the capture of this Prince and the crushing of an attempt to seize the Bassein Treasury, in which the acquaintances and allies of the Myengoon were concerned, serious crime gradually decreased.

Tenasserim.

5. In the Tenasserim Division also serious crime increased from 1673 non-bailable cases to 1711. Dacoity increased, but this is almost entirely due to the depredations of Foreign gangs in the Shwè-gyeen district where the number of this class of offence rose from 2 to 12 on the banks of the Salween River, the boundary between Zimmay and British territory. Theft has decreased, but the cases of dishonestly receiving

stolen property have increased ; this would point to more efficient working of the Police.

6. On the whole, then, the crime in the Province, as shewn by the Returns, has increased. Dacoity has diminished and especially in Bassein, Myanoung and Prome, but has increased in Akyab, Rangoon, Toungoo and Shwè-gyeen. Robbery has increased, but solely in the Pegu Division,as has house breaking, mainly in the Prome district. Theft has decreased in Tenasserim but increased in Arakan and Pegu. There is a strong inclination amongst some of the Magistrates to impute the increase of crime to opium smoking, that is to the facilities given for obtaining the drug. The Magistrate at Thatone and the district Magistrate of Amherst both write strongly on this subject, but in that district *thefts, robberies and dacoities have diminished.* The number of non-bailable offences in the Amherst district and in the Town of Maulmain has steadily increased from 1865 till the present year, and yet the amount of opium sold has fluctuated from 80 maunds to 76, 97, and last year 124, and crime decreased from 1221 cases of which 945 were thefts to 1171 cases of which 881 were thefts in the very year in which most opium was sold and when the facilities for obtaining and having opium were increased. The question which had to be determined was not whether the people should be prevented from smoking or not, but whether it was not better to regulate the sale. Where opium was smoked opium shops were opened, and the amount of opium which a man was allowed to have in his possession was increased from 1 to 5 tolahs, but it is not at all clear how either of these measures could have had the prejudicial effect which it is supposed that they have had. The opium farmer receives a fixed amount of opium, and an inspection of his Registers and of his stock would at any moment shew how much he had really sold. It should be an advantage to the Police to have all the bad characters collected together, as opium shops are supposed to collect them, and until some stronger reasons are given the Chief Commissioner cannot accept the arguments of those officers who, indeed, seem to have given opium as the cause of the increase without much thought and comparison of facts.

II.—BUSINESS BEFORE THE COURTS.

INSTITUTION AND DISPOSAL OF CASES

Magisterial Courts.

7. The returns submitted by the Sessions Judges of Arakan and Pegu do not give the number of cases pending and instituted during the year, nor indeed the number of cases decided except indirectly in the Return shewing the duration of all cases decided during the year: orders will be issued to prevent the recurrence of this omission.

Arakan Non Bailable.

8. The number of persons who, in the Arakan Division, remained over from last year charged with non-bailable offences was 16, against 4 in the commencement of 1867: the number of persons brought to trial was 888 against 669, making altogether 904 against 673 in 1867. This increase was caused by the increase in crime, and took place in every district except Sandoway; in the Akyab district alone the number of non-bailable offences ascertained to have been committed increased from 242 to 271, and the persons charged with the commission of these offences from 284 to 397; and similarly in Ramree the number of offences ascertained to have been committed increased from 243 to 405, the number of persons brought to trial for such offences increasing from 179 to 244. It is remarkable that in Akyab town where, according to the Police returns, the number of non-bailable offences ascertained to have been committed decreased from 188 to 171, the number of persons charged increased from 117 to 155, which was probably due to the fact that the offences brought to trial were 70 per cent of those ascertained to have been committed instead of 53 per cent as in 1867. Of these 904 persons who were for trial during the year 525 were convicted in the Magisterial Courts and 27 committed to the Sessions, that is 61.06 per cent against 63.29 per cent last year. There is a slight discrepancy between the Returns shewing the number committed by the Magistrates, which is as given above 27 persons in non-bailable cases and none in bailable, and the number shewn by the Sessions Judge in his other Return, of cases which came before him, where he shews 28 as committed during the year. The number acquitted rose from 34.32 per cent to 36.72 per cent, and the number pending trial at the end of the year to 18 from 16 at the end of 1867, all in the Akyab district,

none of whom were, the Sessions Judge reports in his 5th paragraph, Lunatics.

Bailable.

9. In bailable offences there were 3404 persons for trial against 4069 in the previous year, the number of offences ascertained to have been committed being, according to the Police Returns, 1933 against 2390 in 1867. In Akyab Town and in Northern Arakan alone did the number of persons involved in these offences increase. In the Akyab district there was an unexplained decrease of 651 persons, and in Ramree and Sandoway also there was a slight decrease. Of these 3404 persons 2229 or 65.48 per cent were convicted, and 1158 or 34.01 per cent acquitted against 68.49 per cent convicted, and 30.67 per cent acquitted during 1867; 17, all in the Akyab district, being pending trial at the close of the year.

Non-Bailable and Bailable.

10. Thus in Arakan there were altogether 4308 persons for trial of whom 43 were pending from 1867 against 4742 in 1867 of whom 17 were pending from 1866, and, as shewn above, the decrease was solely due to fewer persons being charged with bailable offences, mainly in the Akyab district; of these 2781 were convicted and committed that is 64.57, and 34.58 acquitted, against 67.77 convicted and committed, and 31.31 acquitted in 1867; and 35 pending at the close of the year, of whom according to the Gaol Returns 18 or all those accused of non-bailable offences and those only were in Gaol, against 43 at the end of 1866. The number of convictions and committals it will be observed has largely decreased both in non-bailable and in bailable cases; the first does not speak well for the manner in which the Police worked during the year in this Division generally. Amongst those shewn as acquitted of the commission of bailable offences are those who were discharged without trial, but there is nothing in the Returns from which any distinction can be made amongst those discharged without trial who were accused of the commission of non-bailable, and those who were accused of the commission of bailable offences. The total number so discharged was 284, and it is probable that at any rate most of these were discharged in bailable cases. This would reduce the percentage of those acquitted to about 22.47 per cent, against 26.84 per cent in 1867 when 232 were discharged.

Pegu Non-Bailable.

11. In the Pegu Division the number of persons who were pending trial at the commencement of the year charged with non-bailable offences was 102 against 84 in 1867, and as 4616 were brought up for trial during the year against 3858 during the previous year the total number for trial was 4718 against 3942, giving an increase of 18.92 per cent, the number of non-bailable offences having increased as already shewn by 8.57 per cent. Thus the number of persons brought to trial concerned in offences was much greater this year than last. This was not due so much to more persons being engaged in each offence as to the better working of the Police, for in dacoity alone the number of cases of which decreased, the number of persons arrested and cases brought to trial increased considerably, 329 persons having been brought to trial for this class of offence against 216 last year. Of the 4718 persons who were tried for non-bailable offences 2694 were convicted and 77 committed against 2327 convicted and 92 committed in 1867 out of the 3942 brought up. The percentage of persons convicted and committed in 1868 to persons brought to trial as compared with those convicted and committed in 1867 fell from 61.33 per cent to 58.73. It is difficult to account for this decrease without the assistance of any observations on the point from the Magistrates or Session Judge but it is possible that it is due to the stringent orders which were issued regarding the apparent powerlessness of the Police to cope with the crime of the Province which may have led them to make arrests and to send men up for trial on less reliable evidence than formerly. This is a danger which is always run by applying a stimulant to the action of the Police, especially when the deficiency, to remedy which the endeavour is made, is caused really by no want of energy on their part but by the officers being obliged to employ, as they have till very lately been in this Province, an inferior class of men as Police constables. So much has been written regarding the results of giving to the Police such (for Burmans) small pay that it is quite unnecessary to enlarge upon it here more especially as the Government has conceded a higher rate of remuneration for them. The number of persons acquitted increased from 1412 to 1798, or from 35.82 per cent of those sent up for trial to 38.10 per cent, the number pending at the close of the year being 60 against 40 last year. The increase in persons brought to trial was in every district, more especially in Bassein and

Prome in both of which crime increased considerably, and it was in these two districts that the number of convictions and commitments increased. In the Prome district there were 1323 persons brought to trial against 1015 in 1867, but the number of commitments decreased from 52 to 36 : this was owing to the increase being in persons brought up in cases which the Magistrate could not only enquire into but determine, those offences such as dacoity which are cognizable by a Sessions Court only having decreased in number ; but in this district the acquittals more than doubled rising from 216 to 440. The number of persons pending at the end of the year appears from the Returns to have been 60 against 40 in 1867, but the number of Prisoners in Gaol pending trial according to the Gaol Returns was 169. It is possible that some of these were persons pending trial for bailable offences who had been unable to find bail; but including the whole of those pending trial for bailable offences the number pending trial according to the Magisterial Returns was 149 only. This discrepancy is easily understood after reading the Report of the district Magistrate of Prome, who states that 68 persons in his district were in Gaol pending trial but that only 38 are entered in the Returns because most of them had been arrested just at the close of the year in the Mengdoon, the most Northern, township for old dacoities, and the Assistant Commissioner at Thayetmyo closed his Register before the end of the year and shewed no Prisoners as pending although some had been committed to Gaol ; this was most irregular, and the attention of all officers will be drawn to the impropriety of this course, a course which the Chief Commissioner could not suppose that an officer of Major Munro's length of service would have followed.

Bailable.

12. The number of persons pending trial at the commencement of the year for bailable offences was 102, and these added to the 17191 who were for trial during the year gives a total of 17293 against 16737 in 1867 of whom 84 were pending from 1866, or an increase of 3.31 per cent. This increase was in every district except Myanoung, where the persons brought to trial during the year for bailable offences fell from 3879 to 3039 or by 840 or 21.66 per cent, which is fully accounted for by the Magistrate who states that there was a decrease of no less than 994 in the persons charged with gambling. In the Prome district there was a decided increase which the Magistrate has explain-

ed in his 13th paragraph as being owing mainly to an increase in the number of persons prosecuted for breach of Forest Rules—175 against 0 in 1867—but the Chief Commissioner is glad to see that the number of persons brought up for disobedience of a lawful order has fallen from 146 to 29. Section 188 of the Indian Penal Code was often, he is convinced, illegally applied; there was a general tendency, a natural one amongst officers unacquainted with all the niceties of law and without a legal training, there was a tendency to consider that this section authorized the punishment of any one who disobeyed an order of an Executive officer or of the district Magistrate, the qualifying word "legal" which in the section comes before the word "order" being to some extent lost sight of: during the year orders have been issued upon this point and the Chief Commissioner believes that there is much greater care taken now than some years ago that individuals are not prosecuted for disobedience of orders unless such orders are clearly within the competence of the officer who issued them, the false position in which an officer might be placed by issuing an order, intended doubtless for the benefit of the people as such benefit is understood by the officer issuing it, but at the same time *ultra vires* having been strongly insisted on by the Chief Commissioner. Complaints of assault and trespass also decreased considerably. Of the 17293 persons for trial 86.27 or 45.83 per cent were convicted or committed to the Sessions against 53.91 per cent in 1867, this decrease occurred in the Rangoon, Myanoung and Prome districts, but in the first and last more persons were upon trial during the year, but neither of the district Magistrates have assigned any reasons for this. The number of persons acquitted increased from 7607 to 8567 or from 45.44 to 49.54 per cent of those for trial. Included amongst these, however, are the cases withdrawn which in the Rangoon district alone amounted to no less than 358. No information on this point having been given by several district Magistrates it is impossible to calculate the number of persons who were actually acquitted on trial. The number of persons pending trial at the end of the year was 89 against 102 at the end of 1867, but there is nothing to shew whether this is the correct number or not as it is perfectly possible that, the Registers at Thayetmyo having been closed, as noted before, before the end of the year, some of those pending trial for bailable offences have been omitted as were some pending

trial for nonbailable offences.

Tenasserim Non-bailable.

13. The number of persons under trial during 1868 for non-bailable offences in the Tenasserim Division was 1134 of whom 24 were pending at the commencement of the year. This was an increase of 11 or .98 per cent as in 1867 the number for trial was 1123 including 9 pending. There was a slight increase in every district, but a decrease from 260 to 206 brought to trial during the year in the town of Maulmain where there was a decrease in the number of offences committed, especially in thefts. Of those 1134 persons 638 were convicted and 38 committed to the Sessions, that is 676 in all or 59.61 per cent, and 441 or 33.88 per cent acquitted: this is not so good as in 1867 when 60.01 per cent were convicted and committed and 36.95 per cent acquitted: the number pending trial at the end of the year fell from 24 to 13. The Gaol Returns shew 26 as in confinement pending trial at the end of the year, but probably some of these were under trial for a bailable offence but were unable to find bail; in Shwè-gyeen for instance the Magisterial Returns shew that 1 person was pending trial for a non-bailable offence whereas the Gaol Returns give 3 as the number in confinement pending trial at that station.

Bailable.

14. The number of persons pending trial for bailable offences at the commencement of the year was 59 and the number brought to trial during the year 7003, so that there were 7062 for trial against 5720 during 1867 of whom 5691 were brought to trial during that year. The increase in the number of persons brought to trial was therefore 23.05. The increase took place in every district, and especially in the Town of Maulmain where it was 41 per cent, but of which no explanation of any kind has been furnished by Mr. Barr, the officer submitting the Report, but from the Report of the Inspector General of Police it appears that it was almost solely due to an increase in "assault" and "insult" cases for which no less than 1032 persons were on trial, out of the 3694 on trial altogether. Of the total number for trial during the year 4221 were convicted and 5 committed, making 4226 or 59.84 per cent, and the number acquitted was 2731 or 38.67 per cent. In 1867 the number convicted and committed was 57.89 per cent of those brought to trial and the number of those acquitted was 42.65. There was therefore a considerable improvement. The number of persons pending trial at

the end of the year, however, had nearly doubled having increased from 59 to 101. This increase was almost entirely in Maulmain Town where there were 48 pending trial at the close of 1868 against none at the close of 1867 : no explanation of this has been given. Mr. Macrae, who was in charge of the office of Magistrate till the middle of December, made over charge of his office to Mr. Barr on the 15th of that month and the change in the officers at the end of the year may have had some effect on the number of persons pending, though *primâ facie* there does not appear to be any reason why it should have had so serious an effect as apparently it had.

15. Thus in the Tenasserim Division the total number of persons who were for trial during the year increased from 6843 to 8196, owing almost entirely to the larger number charged with bailable offences in the Town of Maulmain. The number of persons convicted and committed was 59.82 per cent of those for trial, against 58.35 per cent in 1867 ; and the number acquitted was 38.68 per cent against 41.72 per cent in 1867 : the improvement would have been still greater had it not been for the falling off in non-bailable cases.

Sessions Courts.

16. The number of cases which came before the Sessions Courts in the 3 Divisions during the year was 74 in which 158 persons were involved and of which 8 were pending from the previous year ; of those 42 were in Pegu, and the number of persons for trial by the Sessions Court of that Division was 101. Of the 158 Prisoners one died before trial leaving 157, of whom 108 were convicted, and 15 were sentenced to death and the cases referred to the Chief Court for decision, 6 in Arakan, 7 in Pegu and 2 in Tenasserim, and 24 were acquitted leaving 24 who were concerned in 8 cases pending at the end of the year : of these no less than 7 cases and 23 persons were pending trial in the Court of the Sessions Judge of Pegu. The statistics of this Court during 1868 do not shew so well as during 1867 when only 5 cases were pending at the close of the year, and more were decided during the year.

DURATION OF CASES.

Magisterial Courts.

17. The total number of cases decided in the Arakan Division
Arakan. was 2390, the average duration of which

was 3.75 days. no less than 1466 were decided in one day. This, however, is not so good as in 1867 when the average duration was 2.90 days. It was in the Akyab district that the greatest increase in duration took place *viz*: from 3.88 to 5.84 days. The number of witnesses examined was 7672 against 6586 in 1867, and 7271 were detained one day only against 6252 in 1867. The remarks of the Sessions Judge of Arakan and of the district Magistrate of Myanoung regarding the method of calculating the duration of the attendance of witneses shew most clearly that these returns are in point of fact valueless, for witnesses can be kept waiting days in attendance at a Court before their case comes on, and yet they are entered as having been in attendance from the date of first hearing of the case only. As a remedy for this Captain Plant, district Magistrate of Ramree during 1868, proposes that the Diary of attendance of witnesses shall be initialed daily by the Judge and the Sessions judge of Arakan considers that this would be sufficient security for the correct filling up of the Return : it is doubtful if it would be sufficient, but until some stronger check is ordered its general adoption will be directed.

Pegu.

18. In Pegu the average duration of cases was 4 days against 3 days last year. The cases in the Prome district were decided rapidly, 1019 out of 2798 having been decided in one day, and the average duration being 4 days. There was a slight improvement in Rangoon the average duration of cases having been 6 instead of 7 days. The same remarks regarding the detention of witnesses as were made regarding Arakan apply to this Division. The Returns shew that out of 24171 witnesses 19999 were examined in one day, and none were detained more than 15 days.

Tenasserim.

19. In the Tenasserim Division the average duration was 4 days as in Pegu, but some of the cases in the Amherst district especially, took a long time to decide —5 from 90 to 120 days, and in this district one case had at the end of the year been pending since the 6th August 1868.

Sessions Courts.

20. There is no Return which gives any information regarding the duration of the Sessions cases ; this is, however, a most important point, and in the revision of the Returns, which will be further alluded to in the general remarks, care will be taken that provision is made for shewing this.

PUNISHMENTS AWARDED

21. There is no Return from which the nature of the punishments awarded by the Magisterial Courts can be gathered; there is nothing which shews the severity of the punishments they inflict. Taking however the Returns of fines imposed and realized and sentences of whipping awarded we find that in Arakan the amount of the fines fell from Rs. 35,968, to Rs. 26,757, but no less than Rs. 22,162 were realized against Rs. 29,127 last year, this is a satisfactory improvement, but the Chief Commissioner believes that a larger amount might be realized if officers did not think that the imprisonment awarded in default of payment of fine was an alternative punishment, and that when an individual had undergone or was undergoing the imprisonment he had received, really as a punishment for not paying the fine as stated by the Law Commissioners who framed the Indian Penal Code, the fine could no longer be levied. Only Rs. 907 were ordered to be paid in compensation under Section 44 of the Criminal Procedure Code, and Rs. 578-10-8 were so paid. Sentence of flogging was passed in 28 instances, on 17 occasions for the first offence and 11 times for a second, and in 9 cases, 6 of which were in Ramree, was the number of stripes greater than 20. In one case only was the order appealed against and then it was upheld by the Sessions Judge.

Arakan.

22. In the Pegu Division on the other hand the amount of the fines imposed increased in every district, especially in Rangoon, Myanoung and Prome; the total increase being from Rs. 1,20,494 to Rs. 1,50,573. The amount realized also increased from Rs. 92,935, to Rs. 1,07,020. They appear to have been much better realized in the Town of Rangoon during 1867 than during 1868, and in the Cantonment the whole of the fines imposed, Rs. 2,116, were paid in. In the Bassein district there was very little change, the amount imposed increased by Rs. 100 about, whilst the amount realized diminished by Rs. 400. The amount awarded in compensation rose from Rs. 7,601 to Rs. 10,457 and the amount paid in compensation rose from Rs. 3,546 to Rs. 6,231, this is better than last year but more pains should be taken to realize the fines so that those to whom any portion of them are awarded may get them. The only districts in which the full amount of compensation was not paid were Myanoung, Prome and Toungoo, in Myanoung only Rs. 772, although Rs. 1,462 were awarded: Toungoo has considerably improved, last

Pegu.

year Rs. 122 were paid out Rs. 1,482 awarded; this year Rs. 1,259 out of Rs. 1,623. In this Division 50 persons were flogged; 30 in lieu of other punishments and the rest in addition; and there were no appeals.

23. In the Tenasserim Division the amount of the fines imposed increased from Rs. 57,868 in 1867 to Rs. 62,106, but the amount realized decreased to Rs. 35,494 from Rs. 42,180. This is far from satisfactory: the largest decrease was in the Amherst district where the amount realized fell to Rs. 10,192 from Rs. 15,994, and this although the amount of the fines imposed increased from Rs. 16,998 to Rs. 22,073; it was thus less than half, and so in the Tavoy district where the amount realized was Rs. 2,367 whilst the amount imposed was Rs. 6,272. There were 21 sentences of whipping in this Division, but no return has been given to shew the number of appeals from such decisions and the result of such appeals.

Tenasserim

24. Fifteen persons were sentenced to death for murder, 6 in Arakan, 7 in Pegu and 2 in Tenasserim, and in every case the sentence was confirmed by the Chief Court.

III.—GENERAL REMARKS.

25. In the Introduction the various classes of officers entrusted with Magisterial powers were recapitulated: amongst them were Superintendents of Gaols to try cases occurring within the precinct of the Gaols; Public Works officers to try petty cases amongst their work people; and Forest officers to try breaches of Forest Rules. The Chief Commissioner is inclined to think it a mistake to invest these officers with Judicial powers at all as it is impossible that they can have the knowledge or experience necessary for the due carrying on of the functions of a Magistrate and besides they must be Judges in their own cause, and it is officers thus entrusted with powers who stretch these powers and, for instance, punish under Section 188 of the Indian Penal Code those who disobey an order which is perhaps beneficial but as likely as not illegal. Hitherto, it must be confessed, Magistrates of districts and Sessions Judges have not exercised that close supervision and controul over these officers which is so necessary, and it is doubtful how often they submitted Returns or Proceedings; indeed there is no trace in any of the Returns accompanying the Reports of the Sessions Judges of any punishments

awarded by Gaol officers, for example, yet the Inspector General of Prisons in his Report notices that punishments have been awarded. An order has been issued during 1869 directing that all Magistrates, be they Superintendents of Gaols, Forest officers, Public Works officers, or Police officers are to submit their Returns and Reports to the Magistrate of the district in which they exercise such powers, and the Chief Commissioner trusts that the Sessions Judges will see that this order is strictly carried out, and will themselves exercise a close supervision over these Magistrates.

Procedure on trials with Assessors.

26. The Sessions Judge of Pegu, Lieut. Colonel Ardagh in paragraph 9 A. of his Report draws attention to a correspondence which took place at the end of the year. In his annual Report for 1867 this officer reported that in trials with Assessors he invariably obtained their several opinions *before* addressing himself to note the bearings of the case. In reviewing the Report the Chief Commissioner noted this and pointed out that it was a wrong course to pursue and H. E. the Governor General expressed his surprise and regret that an officer of Lieut. Colonel Ardagh's experience should make such an error. To this the Sessions judge took objection, and wrote in pointing out that Mr. Justice Trevor had ruled that the judge was not to give his opinion before the assessors give theirs, but here and in the last portion of that paragraph he attributes to the High Court of Fort William an opinion which, as far as its published decision shew, it has never held. As the Government of India had expressed an opinion on the subject the matter was again referred, but it was pointed out that Lieut. Colonel Ardagh was in error inasmuch as the point to which Mr. Justice Trevor took objection was giving an opinion before the assessors gave theirs but that what the Chief Commissioner and the Government of India directed the Sessions Judge to do was to address himself to the bearings of the case, in other words to sum up, (when he did sum up in a trial with assessors) before he asked their opinions, and such a summing up should of course not include any opinion. Lieut. Colonel Ardagh also urged that there was no necessity to sum up, of which there can be no doubt. The reply was that although a Sessions Judge was not bound to sum up when trying a case with Assessors yet it was an excellent practice, and that such a summing up should always precede the opinion of the As-

sessors. This correspondence was carried on well into the present year, 1869, and the Chief Commissioner, therefore, trusts that Lieut. Colonel Ardagh now no longer pursues the practice objected to.

Gambling Act.

27. The Gambling Act, III of 1867, has now been in force for one complete year, and the time has arrived when a fair judgment can be passed upon it. Before the passing of this Act the offence of Gambling was punished under Act XIII of 1856 which had been extended by the late Chief Commissioner Sir A. P. Phayre before he was aware that a Chief Commissioner had not got the powers of a Local Government except under special circumstances. In other words until Act III of 1867 was passed gambling was illegally punished. The opinions expressed by the district officers vary greatly. The district Magistrate of Akyab does not think that it tends to prevent Gambling except where its special sections are in force; the district Magistrate of Ramree would extend its special sections throughout the Province, and gives it as his opinion that when the special sections are extended to any Town gambling outside the limits of that Town is increased, presumably by the gamblers going outside the limits to gamble; other officers again would alter that provision which requires that a warrant shall be issued by a Magistrate with full powers or by the Superintendent of Police. With this latter opinion the Chief Commissioner is inclined to agree considering the difficulties of communication; but as regards the opinion of Captain Plant the District Magistrate of Ramree, it will be sufficient to refer to Section 2, which authorizes the extension of the special sections of the Act to any city, town, or suburb; its extension thus would, if Captain Plant is right, drive out Gambling from the places to which it was extended, and elsewhere, that is away from towns, the Police could probably cope with it under the general sections. It would, however, as the Act stands be of but small use extending it to any town in which a full power Magistrate was not stationed.

Stamp Act.

28. It appears highly probable that the Stamp Act has encouraged petty suits, for before it was passed and indeed for sometime afterwards fees were levied on petty cases, which were higher than the fees levied under the Act, and the result of the Act has, therefore, practically been to make it cheaper to bring a criminal action in a petty assault or insult case and the

returns shew how much these actions have increased. As regards this Province, therefore, it would be better if the duty levied under the Act was increased or if the fees were re-imposed.

Returns deficient in information

29. In several portions of this review the fact that the Returns are deficient in information has been noticed : much information which would be valuable is not given and much that is really useless is given. The forms are now being revised and a new set prepared.

Bad livelihood

30. Consequent on the increase of crime in the Pegu Division in 1867 the attention of all Magisterial officers was drawn to the provisions of the Criminal Procedure Code regarding Security for good conduct, the wide diversity of the Criminal administration of the various districts on this point was remarked on, and greater vigour in enforcing the law was insisted on. The result has been that more attention has been paid to this portion of the duties of a Magistrate than formerly. In the Pegu Division which was especially remarked on there has been everywhere except in Myanoung an increase in the number of persons accused of bad livelihood The cases and persons dealt with during the past two years are as follows :—

	1867.		1868.		
	Cases.	Persons.	Cases.	Persons.	
1	2	3	4	5	6
Rangoon	2	2	18	52	
Bassein	5	11	18	41	
Myanoung	18	31	25	28	
Prome	22	55	93	185	
Toungoo	9	15	8	16	
Total	46	114	162	335	

but the Sessions Judge does not shew how many of these 335 were called upon to furnish Security : if all were it is an error to compare them as he does with the number tried but not necessarily called upon for Security in 1867. It is clear, however, that more was done to keep a watchful eye on bad characters than formerly. The Sessions Judge notes that some of the cases brought before Mr. Assistant Commissioner Phillips were not dealt with as they should be, this officer has since been transferred to the Customs department, but in

the Chief Commissioner's opinion it is a dangerous thing for the Executive Government to review the decisions of a Magistrate, unless it proposes to take the severest measures should these decisions be found to be contrary to law and reason; it is one of those cases in which no half measures can do ought but harm.

31. In conclusion the Chief Commissioner would notice the impracticable suggestions made by some officers as that the Cantonment Magistrate of Rangoon should be a joint Magistrate for the Town of Rangoon, relieving the present Magistrate of some of his work; such a change as this and as some others recommended would require legislative action, action which can never even be recommended, much less undertaken without the strongest possible grounds and when there in no other way of avoiding the difficulty.

REPORT

OF THE

SESSIONS JUDGE OF ARAKAN.

For 1868.

From Lieutenant-Colonel J F. J. STEVENSON, Commissioner of Arakan, to the Secretary to the Chief Commissioner of British Burma, Rangoon, No, 55 of 1869, dated Akyab the 6th April 1869

I have the honor to submit my Report on Criminal Justice for the Arakan Division for the year 1868.

SECTION III.

CRIMINAL JUSTICE.

1. The Annual Criminal Statements of this Division for the year 1868 shown on the margin accompany this Report.

No I General Statement for year 1868
" II Statement showing degrees of punishment
" III Appeals preferred during 1868
" IV Persons punished and acquitted by Sessions Court in 1868
" V Sentences of death in 1868
" VI Trials and Proceedings called for by Sudder Court in 1868
Form A Sessions Cases & Appeals, Commissioner's Court in 1868.
C Appeals from whipping orders Do Do Magistrate's Court
A Whipping Cases under Act VI of 1864 in 1868
B Statistics of Criminal Justice in 1868
C Duration of Cases and detention of Witnesses in 1868
Magistrates Statements I to VIII with whipping Returns A and B in Originals for Akyab, Akyab Town, Ramree Sandoway and Northern Arakan

2. The Office of District Magistrate was held in each District during the year as shown below.

I. AKYAB DISTRICT.

Major E. J. Spilsbury, during the whole year.

Mr. J. Treacy Magistrate of Akyab, during Deputy Commissioner's absence on Privilege leave from 2nd February to 1st April.

II. AKYAB TOWN.

Mr. J. Treacy, from 1st January to 6th April 1868.

Major E. J. Spilsbury, Officiating from 7th April to 15th May.

Lieutenant G. A. Strover, from 16th May to end of the year.

III Ramree District.

Mr. W. DeCourcy Ireland, from 1st to 8th January.

Captain W. C. Plant, from 9th January to end of the year.

IV Sandoway District.

Captain W W. Pemberton, throughout the year.

V. Northern Arakan.

Mr. J. Davis, Superintendent, throughout the year but absent on leave from 1st September to 15th October when Lieutenant Strover officiated for him.

3. The following officers exercised Magisterial powers in each District in addition to the above:

I. Akyab District.

Dr. J. W. Mountjoy, Honorary Magistrate of Poungdawbyeng, throughout the year.

Mr. J. Hind, Assistant Commissioner Akyab, throughout the year.

Mr. C. D. C. Lloyd, Assistant Commissioner Akyab, throughout the year, but absent on leave from 5th to 22nd November.

Mr. T.W. Hunt, Extra Assistant Commissioner 1st Class of Naaf, from 1st January to 29th April, and Koladan from 27th May to 5th August when he died.

Moung Kulla, 1st, Extra Assistant Commissioner 1st Class, Koladan, from 1st January to 14th April, and of Naaf from 30th April to end of the year.

Moung Pha Phroo, Extra Assistant Commissioner 3rd Class, Myohoung, throughout the year.

Moung Htoon Oo, Extra Assistant Commissioner 3rd Class, Rathaidoung, throughout the year.

Moung Kulla, Extra Assistant Commissioner 3rd Class, Minbya, throughout the year.

Moung Hnin, Extra Assistant Commissioner 3rd Class, Ooyeet-toung East, from 1st January to 18th October when he was suspended.

Moung Shwè Htoo, Officiating Extra Assistant Commissioner 3rd Class, Ooyeet-toung East, from 19th October to end of the year.

Moung Being, Extra Assistant Commissioner 3rd Class, Ooyeet-toung West, throughout the year.

II. RAMREE DISTRICT.

Moung Shwè Dike Kay, Extra Assistant Commissioner 1st Class, Kyouk Phyoo, from 1st to 25th May, and from 5th August to end of the year.

Moung Nahto Shwè, Officiating Extra Assistant Commissioner 1st Class, Kyouk Phyoo, from 26th May to 6th August.

Moung Hla Htoon Oung, Extra Assistant Commissioner 3rd Class, Aeng, throughout the year.

Moung Nahto Shwè, Extra Assistant Commissioner 3rd Class, Ramree, from 1st January to 23rd May, and from 9th August to the end of the year.

Moung Htoon Aye, Officiating Ditto, from 23rd May to 8th August.

III. SANDOWAY DISTRICT.

Moung Thadoway, Extra Assistant Commissioner 2nd Class (Tsitkay), Sandoway, from 1st to 13th January, and from 13th March to end of the year.

Moung Shwè Boo, in charge of Tsitkay's Court, during the absence of Moung Thadoway, from 16th January to 13th March.

Moung Shwè Boo, Extra Assistant Commissioner 3rd Class, Northern Division, throughout the year.

Moung Kya Oung, Extra Assistant Commissioner 3rd Class, Southern Division, throughout the year.

4th. There were for trial during the year the cases of 4,308 persons, all of which were disposed of with the exception of 16 with 35 persons.

In Gaol	19
On Bail . .	16
Total	35

None had been pending beyond 3 months.

5th There were no cases of Lunatics in any District pending trial at the close of the year.

6. All Appeals from the orders of Assistants subordinate to the Magistrates of Districts were disposed of during the year.

7. The diary of attendance of witnesses as compared with the year 1867 is as below.

		Number of Witnesses discharged after							
		1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days	7 Days.	8 or upwards.	TOTAL
AKYAB DISTRICT.....	1867...	3,001	194	79	24	14	11	4	2	3,329
	1868...	2,676	225	39	27	17	4	9	21	3,018
AKYAB TOWN	1867...	946	6	...	...	...	...	...	...	952
	1868...	1,599	24	...	...	...	...	...	...	1,623
RAMREE.....	1867...	1,378	...	...	...	...	...	...	...	1,378
	1868...	2,058	22	...	...	...	...	...	...	2,080
SANDOWAY.....	1867...	893	...	...	...	...	...	...	...	893
	1868...	901	10	3	...	...	...	...	...	914
NORTHERN ARAKAN....	1867...	34	...	...	...	...	...	...	...	34
	1868...	37	...	...	...	...	...	...	...	37
TOTAL.....	1867...	6,252	200	79	24	14	11	4	2	6,586
	1868...	7,271	281	42	27	17	4	9	21	7,672

I. The above shows that there were 7,672 witnesses in attendance during the year, an increase of 1,086 upon the previous year.

II. And that of 7,672 witnesses, 7,271 were discharged the first day, and 21 only were detained beyond seven days which is undoubtedly a good result, when it is taken into consideration that there were 1,086 witnesses more than in the previous year.

But I have ascertained that it is the invariable practice throughout this Division to reckon the days of detention, only from the first day upon which witnesses are actually before and examined in Court, an inaccurate and delusive practice. All the days during which a witness may be in a Station awaiting his examination should be and in future will be reckoned.

The rule of practice adopted by Captain Plant and mentioned in his Report para 4 which he proposed to me upon my pointing out the erroneous practice followed in Arakan, will I think, be found a sufficient check upon the present inaccurate system of entries.

Akyab District.

111. In this District only was the greater number of witnesses detained beyond the second day, and they were detained in the Courts of the Deputy Commissioner, Honorary Magistrate and 1st Assistant Commissioner.

The Deputy Commissioner says with regard to his own Court: "In the Deputy Commissioner's Court, the number "of witnesses heard on the first day was almost the same "as in 1867, on the 2nd nearly double the number were "heard, on the 3rd day four more than in 1867. On all the "longer periods, less—but 2 witnesses were detained 7 days "owing to the Deputy Commissioner's inability from sick-"ness to attend the Court."

IV. In the Court of the Honorary Magistrate there were 35 more witnesses examined, than in 1867, and there has been greater delay in their examination. The Deputy Commissioner says: "In the Honorary Magistrate's Court "Dr. Mountjoy, the detention of witnesses has been very "great, but no explanation has been received. Dr. Mountjoy "has now become Civil Surgeon of Akyab and is no longer "under the Deputy Commissioner."

I think any such delay as may have taken place is owing to Dr. Mountjoy's numerous and onerous occupations as a Grantee. Our thanks are due to this gentleman for what he has done in the administration of justice in which I feel sure there was no neglect or disregard of duty.

V. In the Court of the 1st Assistant Commissioner 22 witnesses were detained beyond the second day. The Deputy

Commissioner says. "In the 1st Assistant Commissioner's "Court the number heard on the 1st day was more than double that of 1867, on the 2nd treble, on the 3rd, 23 fewer, "but in consequence of the press of work 8 could not be heard "till the 5th, and 6 till the 6th day."

The Return for the other Courts of the District is very satisfactory; in none have witnesses been detained beyond the second day and in most they were all apparently discharged the 1st day.

Akyab Town

VI. The Return for the Akyab Town Court shows that there were 671 witnesses more examined during the year of report than in the previous year. The result is good; all the witnesses but 24 having been discharged the first day, and these were detained only 2 days.

Ramree District

VII. The Return for this District also shows an increase in the number examined of 702 witnesses than the previous year. The result is satisfactory; all the witnesses but 22 having been discharged the first day and these detained only 2 days.

Sandoway District

VIII. The Return for this District shows an increase of 21 witnesses examined, all but 13 having been discharged the 1st day 10 the second and 3 the third day.

Northern Arakan.

IX. The Return for this District is also very satisfactory, all the witnesses having been discharged the 1st day.

8. The committals, convictions, and acquittals, in Non-bailable and also in Bailable crimes are shown below.

		Non Bailable.		Bailable.		Total.	
		1867.	1868.	1867.	1868.	1867.	1868.
Akyab District	Committed ...	9	22	0	0	9	22
	Convicted ...	140	201	1,496	1,019	1,636	1,220
	Acquitted ...	125	168	772	622	897	790
	Total...	274	391	2,268	1,641	2,542	2,032
Akyab Town ..	Committed ...	1	1	0	0	1	1
	Convicted ...	72	87	441	442	513	529
	Acquitted ...	42	69	193	243	235	312
	Total...	115	157	634	685	749	842
Ramree ..	Committed ...	3	1	0	0	3	1
	Convicted ...	148	176	533	464	681	640
	Acquitted ...	28	67	159	159	187	226
	Total...	179	244	692	623	871	867
Sandoway ...	Committed ...	1	0	0	0	1	0
	Convicted ...	52	55	309	291	361	346
	Acquitted ..	29	26	127	131	156	157
	Total.	82	81	436	422	518	503
Northern Arakan	Committed ...	0	3	1	0	1	3
	Convicted ...	0	6	7	13	7	19
	Acquitted ..	7	2	3	3	10	5
	Total...	7	11	11	16	18	27
Total .	Committed	14	27	1	0	15	27
	Convicted ...	412	525	2,786	2,229	3,198	2,754
	Acquitted .	231	332	1,254	1,158	1,485	1,490
	Total .	657	884	4,041	3,387	4,698	4,271

I. The result is that the number of commitments and convictions in Non-Bailable cases was 126 more than the number committed and convicted in 1867. In the number of acquittals also there was an increase of 101 over those of the previous year.

Under the head "Bailable" there was a decrease of 558 in the number of commitments and convictions and a decrease of 96 acquittals. On the whole there were 432 less committed and convicted and 5 more acquitted during the year under review than in 1867.

Akyab District.

11. In this District the number of commitments, convictions and acquittals in Non-Bailable cases was 117 more than in 1867; and in Bailable cases there was a decrease of 627.

With regard to the increase in Non-Bailable crimes the Deputy Commissioner says: "The increase of Non-Bailable "cases has been under every head, under Murder, Culpable "Homicide and Dacoity more than double the number of 1867 "were tried, and under Robbery the increase is still greater, "under Rape are 3 cases against none of 1867.

"And under Theft the increase is over 26 per cent. As "the trial of such grave offences involves the examination "of much evidence and requires great care and detailed judg- "ments it will be seen that the Criminal work of the Dis- "trict has largely increased in 1868 although the actual num- "ber of cases is fewer.

"The proportions of convictions to those tried has in- "creased in each class of Non-Bailable offences save Theft and "Dacoity, in the 1st the decrease is very slight, in the 2nd "5.6 less as Dacoity was so much more rife in 1868—this "is not satisfactory.

"The Police have been laboring under the disadvantage "of insufficient pay, but as from the 1st January an increased "rate of pay has been granted it is to be hoped that a better "class of men may be procured, and that more zeal and in- "telligence will be displayed by them, at the same time the "force being numerically few to the area, and the country from "its numerous creeks and jungle difficult to travel, bad charac- "ters have many facilities of escaping capture."

The remarks of the Deputy Commissioner of Akyab upon the marked increase in Dacoities in the Akyab District this year call for serious attention. The increase in this class of crime has been as he states 25 viz 45 against 20 in 1867. I am inclined to think that the agricultural distress which must undoubtedly have resulted from the disastrous murrain of cattle during the previous year and the early part of this year may have been to some extent the cause of this increase of crime. I cannot say that I am disposed to attribute it at all to remissness or even inefficiency on the part of the Police. We are all aware how difficult it is to account for sudden out-

breaks of violent crime in the most civilized and best governed countries. Generally it is I believe now admitted that the fearful increase of the intolerable evil of garotting in England is mainly owing to the leniency with which crime is now dealt with or rather punished, that is to say practically and really punished. The Gaol Department being allowed to override as it were the Judicial Department of the Government, that is Gaol Superintendents having authority virtually to cancel the punishments awarded by the deliberate judgments of the depositaries of justice it is reasonable to conclude that the criminal classes have felt themselves encouraged to defy Justice. But I cannot say that I think that there has been a failure of justice here in a systematic leniency towards crime. It does appear to me that Dacoity has not been quite so severely dealt with as a rule in Arakan and that other heinous offences have in like manner not met with the sharp and condign punishment with which I have been familiar in Pegu and Tenasserim, but on the whole I am inclined to report that I cannot state satisfactorily the cause or causes of this increase.

The percentage of acquittals in this District to convictions and commitments is 38.87 per cent; in 1867 it was 35.28.

Akyab Town.

III. There was an increase of 42 persons committed, convicted, and acquitted in Non-Bailable cases in the Town of Akyab, and an increase of 51 persons in Bailable cases. The Magistrate gives no explanation.

III. The percentage of acquittals in this Town to convictions and commitments is 37.05 per cent, and in 1867 it was 31.37.

Ramree District.

IV In this District there was an increase of 65 persons in Non-Bailable cases and a decrease of 69 in Bailable crimes.

With regard to the increase in Non-Bailable crimes the Deputy Commissioner says: "In Non-Bailable or heinous "offences there was an increase of 65 persons brought to trial "consequent on the increased number of Thefts committed "during the year, which increase of crime is attributed to the "re-establishment of Opium Farms in the District in 1868.

"The effect the re-establishment of Opium Farms has on "crime is two-fold: viz: increase in number of actual offences, "and increased difficulty of detection thereof by the Police, "because the open license to use opium attracts numerous ad- "herents, and increases the number of persons on whom the "Police have to keep their eyes; prior to establishment of "Opium farms the simple fact of a man using opium was "sufficient to attract the notice of the Police, and to cause a "watch being kept on him, which they were generally able to "do as such were usually isolated cases in a village."

"Although Opium Farms collect a number of bad and "loose characters together still such a gathering seems to the "Magistrate to have its advantages, because a sharp detective "can watch, see, and perhaps over hear any combination to "commit crime; and when a heinous offence has been commit- "ted he can sift out where such men have been and what they. "were doing on such and such a day; this would be some clue "to work upon in want of a better, and great crimes have "been brought home on much smaller grounds for suspicion."

Though I cannot say I concur altogether in these remarks, I am bound to say they express the general opinion of the District Officers in British Burma. I have known some good Criminal Officers judicially influenced very strongly by the fact of a man's being an "Opium Eater." And such a tendency of view has undoubtedly foundation in experience. Confirmed "Opium Eaters" are generally bad characters, often Thieves. But I do not say however that the establishment of Opium Farms necessarily increases crime. I say that where the taste for opium is established, where people will have it and do obtain it, there it is well to allow the sale legitimately under rule and regulation, and I cannot see why this should lead to an increase of crime.

With regard to the decrease in Bailable crimes, the Deputy Commissioner says: "In Bailable Offences there is a "decrease of 69 persons brought to trial which is mainly "owing to prosecution under Section 143 Indian Penal Code "(unlawful assembly) of persons gambling, beyond the defined "limits of towns, having been put a stop to as illegal."

The percentage of acquittals to commitments and convictions is 26.06 per cent. In 1867 it was 21.46 per cent.

V. There was in this District a slight decrease of 1 in the number committed, convicted and acquitted in Non-Bailable cases, and of 14 in Bailable crimes. This calls for no remarks.

Sandoway

The percentage of acquittals was 31.21 per cent against 30.11 in the previous year.

VI. In Northern Arakan there was an increase of 4 in the number committed, convicted and acquitted in Non-Bailable cases and of 5 in Bailable crimes. The Superintendent says:—"It "will be seen from the Returns that there have been a very "few cases during the year, the reason is that crime is rare "amongst the hill people. A large portion of the offences "recorded in the Returns were committed by Arakanese who "were not permanent residents of the Hill District."

Northern Arakan

"The prevalent crimes amongst the Hill people are Da-"coity and dealing in Slaves, and of these there have been "only two cases during the year."

The percentage of acquittals to commitments, and convictions was 18.51 per cent against 55.55 in the previous year.

VII. Of the number convicted, the persons sentenced to find Security and to enter into recognizance was as shown below :—

	1867	1868
Akyab District.		
To find Security for good conduct...	2	35
To keep the peace	2	„
To enter into recognizance to keep the peace	„	„
Total	4	35
Akyab Town.		
To find Security for good conduct...	5	25
To keep the peace	3	„
To enter into recognizance to keep the peace	„	22
Total . ..	8	47

Ramree District.

To find Security for good conduct...	53	19
To keep the peace	„	„
To enter into recognizance to keep the peace	„	„
Total	53	19

Sandoway District.

To find Security for good conduct...	10	35
To keep the peace	„	„
To enter into recognizance to keep the peace	„	„
Total	10	35

Northern Arakan.

To find Security for good conduct...	„	3
To keep the peace	„	„
To enter into recognizance to keep the peace	„	„
Total	„	3

Total.

To find Security for good conduct...	70	117
To keep the peace	5	„
To enter into recognizance to keep the peace	„	22
Total	75	139

The above undoubtedly shows that there was a better and closer surveillance over the bad characters in all the Districts of this Division except apparently, Ramree, during the year under review.

In the District of Ramree there were 19 Bad characters sentenced to find security for good conduct and in default to imprisonment against 53 in the previous year.

Captain Plant says:—

"There has also been a decrease in the number of per-
" sons prosecuted for Bad livelihood, the reason being that
" owing to the re-establishment of Opium Farms the number
" of *quasi* bad characters has increased so much that the Police
" cannot keep such a close watch on so many, and consequently
" are not able to produce as good evidence against a man on

"that charige as they were in 1867, when the very appella-
"tion "Bein Tsa" (opium eater) was almost sufficient to
"stamp a man as a bad character at once."

"This is to be deplored, as there can be no doubt that a
"close surveillance over bad characters is one of the best, if
"not the best means of preventing the commission of the
"majority of crimes."

9. The general analysis of acquittals is similarly shown.

In all Cases.		1867	1868
Akyab District ...	Complaint withdrawn	156	184
	Acquitted	741	606
	Total.....	897	790
Akyab Town	Complaint withdrawn	4	10
	Acquitted	231	302
	Total.....	235	312
Ramree	Complaint withdrawn	72	72
	Acquitted	115	154
	Total.....	187	226
Sandoway	Complaint withdrawn	4	18
	Acquitted	152	139
	Total.....	156	157
Northern Arakan.	Complaint withdrawn	0	0
	Acquitted	10	5
	Total.....	10	5
Total	Complaint withdrawn	236	284
	Acquitted	1,249	1,206
	Total.....	1,485	1,490

I. The above shows that of 1,490 persons entered in para. 8 as having been acquitted, in the cases of 284 persons, the complaints were withdrawn, deducting which reduces the percentage of acquittals on trial in the District of

Akyab very considerably, as in about ¼ of the acquittals here the complaints were withdrawn. In the Town of Akyab as well as in the District of Sandoway the result would not be much affected. In the Ramree District the result good as it is, would be still more favorable.

II. The Deputy Commissioner of Akyab says:—"There "were 1,038 cases received in 1868, of those 804 were Bail- "able, and it is amongst these that withdrawals occur. The "percentage of withdrawals to them is 22.8 in 1868, in "1867 it was 14.7—this is a large increase, and shows that a "fair proportion of unnecessary complaints are made, and "that the Stamp laws do not press too rigidly."

10. The number of persons who became casualties in the course of the trial of their cases or whose cases were transferred or otherwise dealt with was as below:—

		Bailable.	Non-Bailable.
Akyab District	1867	1	0
	1868	0	2
Akyab Town	1867	0	0
	1868	0	0
Ramree	1867	0	0
	1868	0	0
Sandoway	1867	0	0
	1868	0	0
Northern Arakan	1867	0	0
	1868	0	0
Total	1867	1	0
	1868	0	2

This calls for no particular remarks.

11. The persons brought to trial during the year appeared according to the following detail:—

		1867	1868
Akyab District.	1. Attended on Summons	1,680	1,165
	2. Were apprehended by Warrant	176	220
	3. Sent in by the Police	727	684
	Total	2,583	2,069

Akyab Town.	1. Attended on Summons	319	394
	2. Were apprehended by Warrant ...	26	36
	3. Sent in by the Police	406	412
	Total	751	842
Ramree.	1. Attended on Summons	332	295
	2. Were apprehended by Warrant ...	25	40
	3. Sent in by the Police	515	532
	Total	872	867
Sandoway.	1. Attended on Summons	247	215
	2. Were apprehended by Warrant ...	14	13
	3. Sent in by the Police	257	275
	Total	518	503
Northern Arakan.	1. Attended on Summons	4	7
	2. Were apprehended by Warrant ...	4	0
	3. Sent in by the Police	10	20
	Total	18	27
Total.	1. Attended on Summons	2,582	2,076
	2. Were apprehended by Warrant ...	245	309
	3. Sent in by the Police	1,915	1,923
	Total	4,742	4,308

I. The Deputy Commissioner of Ramree makes the following remarks on this Statement:

"The number of cases brought to trial out of the number "of offiences ascertained to have been committed, does not "seem, to the Magistrate, to be a just or fair test of the activ- "ity or attention of the Police to their duties, because in "many cases though the police may light on the actual "offender, still, if they cannot get sufficient evidence to justify "sending him up for trial, they are obliged to act under Sec- "tion 153 of Criminal Procedure Code (Act XXV, of 1861:) "but such action taken by the Police finds no place in the "Magistrate's return, the Magistrate, Captain Plant, would "suggest that another column in the Magistrate's return No. "I: should be added in which the action of the Police under "Section 153 could be shown, and so give a fuller test of the

"manner in which they looked after the crime of their Dis-
"trict, as it now stands, the return does not show what the
"Police did in 183 cases of the 382 offences ascertained to
"have been committed in 1868, and showing only 199 out
"of that number (382) brought to trial tells against the Police,
"which is unfair to them.

"A similar column to show discharges under Section
"160 Criminal Procedure Code, would also be advantageous,
"and show in how many cases erroneous arrests had been
"made.

"To show either of these descriptions of discharge, as
"acquittals, would defeat the object aimed at in the Magis-
"trate's return and would be still more unfair to the Police
"as a test of successful prosecutions."

I am not prepared to recommend the above suggestions as an isolated amendment. But I strongly recommend a revision of all our Criminal Returns by a Committee just as I believe a Committee is now doing in the matter of the Bengal Returns.

12. The following Comparative Statement shows the average duration of cases in each District during the years 1867 and 1868:—

Year.	Akyab District.	Akyab Town	Ramree.	Sandoway.	Northern Arakan.	Average of the Division.
1867	3.88	1.54	1.91	2.52	6	2.90
1868	5.84	2.27	1.89	2.53	1	3.75

I. The above shows that the average duration of cases in the Division, omitting fractions was 3 days which is an increase of 1 day over that of 1867.

II. In the Akyab District, the average duration of cases was 5 days which is an increase of 2 days over the average of the previous year.

AKYAB DISTRICT.

III. The average duration of cases in the Town was 2 days against 1 day in the previous year.

AKYAB TOWN.

IV. The average duration of cases in this District was only 1 day which is the same as in the previous year.

RAMREE DISTRICT.

V. In this District the average duration of cases was 2 days, the same as in the previous year.

SANDOWAY DISTRICT.

VI. In Northern Arakan the average duration of cases was 1 day against 6 in the previous year.

NORTHERN ARAKAN.

13. The result of Appeals from the orders of the Assistants preferred to the Magistrates is shown below.

	Rejected.	Confirmed.	Reversed.	Modified.
AKYAB DISTRICT.				
Mr. C. D. C. Lloyd, 2nd Asst. Commr. Akyab ...	.....	4	.....	.....
Moung Kulla, Ex. Asst. Commr. Naaf	.....	.....	1	.....
Moung Htoon Oo Ex. Asst. Commr. Rathaidoung...	1	2	.....	.....
Moung Kulla, 2nd Ex. Asst. Commr. Minbya ...	.....	1	.....	1
Moung Nhin do. Ooyect-toung East	.....	.....	.....	1
Moung Shwè Htoo Offg. do, ...	.....	.....	1	.....
Moung Being Ex. Asst. Commr. Ooyect-toung West ...	.....	2	.....	.....
TOTAL.....	1	9	2	2
RAMREE DISTRICT.				
Moung Shwè Dikekay Ex. Asst. Commr. Kyouk Phyoo	3	.....	1	.....
Moung Hla Htoon Oung do. Aeng...	1	.....	.....	.....
Moung Na-hto Shwè do. Ramree...	1	1	1	1
TOTAL.....	5	1	2	1
SANDOWAY DISTRICT.				
Moung Thadoway Ex. Asst. Commr. Sandoway ...	1	4	1	1
Moung Shwè Boo do. Northern do. ...	1	1	1	.....
Moung Kya Oung do. Southern do. ...	.....	1	.....	.....
TOTAL.....	2	6	2	1
GRAND TOTAL.....	8	16	6	4

I. It is a noticeable fact that in this Division of British Burma, the number of Appeals from the Subordinate Magistrates to the District Magistrates is very small. It was 2 less this year than in the previous year. It is indeed more than merely noticeable, it is remarkable as compared with other Tracts of Burma, especially as we find that in the Commissioner's Court the fact is quite the other way as regards Arakan, in which Divisional Court the number

of Criminal Appeals is extraordinarily large: yet considering how inexpensively and easily a Criminal Appeal is made it is not so extraordinary that there should be so many here as it is that there should be so few elsewhere.

II. From the above it will be observed that of 34 Appeals 10 were reversed or modified; a tolerably satisfactory result.

AKYAB DISTRICT.

III. In this District there were 14 Appeals preferred from the orders of the subordinate Courts to the Deputy Commissioner; of them, 4 were reversed or modified. The result is favorable to Mr. Lloyd, Moung Htoon Oo and Moung Bein, Myookes, all of whose orders appealed against were confirmed. As regards Moung Kulla 1st Extra Assistant Commissioner, Naaf, and Moung Kulla 2nd, Moung Hnin and Shwè Htoo Myookes, in 1 Appeal, their orders were confirmed, 2 reversed and 2 modified—but the number of Appeals preferred being so very small no particular comment seems to be called for.

The Deputy Commissioner of Akyab says: "The number of Appeals made from the findings of the Subordinate "Courts are very few so that no safe opinion can be formed "by the result, on the Subordinate Magistrates' capabilities "—there were 14 in 1868 and 22 in 1867. Of the 14 Appeals "made, 2 were modified and 2 reversed."

RAMREE DISTRICT.

IV. From the decision of the Subordinate Courts in this District there were 9 Appeals to the Deputy Commissioner against 3 in the previous year. Of these 1 only was confirmed and 3 reversed or modified. The Deputy Commissioner says: "only 9 Appeals from the decisions of the Extra Assistant Commissioner on the conviction of 439 persons which shows "how well and justly as a body they have administered Criminal Justice." It shows at all events how well the people are satisfied with their rule. To take their punishment so quietly and acquiescingly does I think show that the Criminals concerned have the highest opinion of the wisdom of these tribunals.

SANDOWAY DISTRICT.

V. In this District there were in all 11 Appeals from the orders of the Subordinate Courts against 12 in the previous year—6 of

which were confirmed and 3 modified or reversed. The result is favorable.

14. The number of persons punished under the Whipping Act (VI of 1864), is shown below:–

Number of Stripes.		On first conviction.	On second conviction.	In addition to other punishment on second conviction.	Juvenile offenders.	Total persons whipped.
Akyab District ..	Up to 10 stripes	0	0	0	0	0
	„ 20 „	0	0	0	0	0
	„ 30 „	0	0	0	0	0
	Total.....	0	0	0	0	0
Akyab Town	Up to 10 stripes	2	0	0	2	4
	„ 20 „	8	0	3	1	12
	„ 30 „	2	0	1	0	3
	Total. ...	12	0	4	3	19
Ramree	Up to 10 stripes	0	0	0	0	0
	„ 20 „	1	1	1	0	3
	„ 30 „	0	0	5	0	5
	Total.....	1	1	6	0	8
Sandoway	Up to 10 stripes	0	0	0	0	0
	„ 20 „	1	0	0	0	1
	„ 30 „	0	0	0	0	0
	Total ...	1	0	0	0	1
Northern Arakan	Up to 10 stripes	0	0	0	0	0
	„ 20 „	0	0	0	0	0
	„ 30 „	0	0	0	0	0
	Total.....	0	0	0	0	0
Total	Up to 10 stripes	2	0	0	2	4
	„ 20 „	10	1	4	1	16
	„ 30 „	2	0	6	0	8
	Total	14	1	10	3	28

I. From the above it will be observed that 28 persons were flogged during the year.

II. In this District there were no persons whipped. The Deputy Commissioner says: "The "infliction of this punishment is not "found necessary in this District, in no instance has it been "awarded."

AKYAB DISTRICT

III. By orders of the Town Magistrate 19 persons were whipped during the year. The Magistrate says: "There can be no "doubt that the punishment of whipping as authorized by "Act VI of 1864, does not act with sufficient force, or prove "to be an effectual deterrent to the commission of crime in "the case of adults. Able bodied men of the lower classes, "would rather undergo the punishment of 30 stripes with a "rattan, than be imprisoned for 6 months. "The punishment "is only really effectual when combined with imprisonment, "but when not combined its effectiveness is rendered par-"tially nugatory. For Juvenile Offenders it is undoubtedly a "very appropriate and beneficial punishment."

AKYAB TOWN.

By the orders of the Deputy Commissioner of Ramree 8 persons were whipped.

IV. The Deputy Commissioner of Ramree says: "The "offences for which whipping was in-"flicted were Theft, and the number "of persons whipped few and the Thefts petty."

RAMREE DISTRICT.

"In the one case of whipping on second conviction the cul-"prit was a lad who had been more than twice in Gaol for "Petty Theft and did not seem to be in the least afraid of "incarceration. He was sentenced to 20 stripes which being "inflicted he said he would steal no more, and up to the close "of the year he had not been arrested again so in his case "the whipping seems to have been useful."

V. There was only one person whipped during the year in this District. The Deputy Commissioner says as follows: "There "was only one case of punishment under this Act, that of a "Juvenile Offender who for a first offence of Theft was sen-"tenced to 15 stripes without extra punishment—the whip-

SANDOWAY DISTRICT.

" ping was administered within the precincts of the Gaol in the " presence of the Magistrate and of the Civil Surgeon."

NORTHERN ARAKAN.

VI. The return of whipping as regards Northern Arakan is blank.

VII. I need not say that opinions are divided as to the value of whipping as a punishment. It is not much resorted to in Arakan, and my own opinion is that it is not much dreaded by adult Burmans or Arakanese. It is well known that it is felt as a severe punishment by some races of men, Chinamen, for instance, to whom it is really much greater physical suffering than to Burmans. The natives of India generally do not heed it much.

I cannot say that I was ever an advocate for this punishment except in combination with some other punishment; nor do I believe the newspaper stories that it is felt severely as inflicting acute pain, by the garotters and burglars who are now occasionally punished with it in England.

VIII. There was 1 Appeal made to the Commissioner's Court against the order of the Magistrate of Ramree in a case of whipping in addition to other punishment, but the order of the Magistrate was confirmed.

15. A Statement of cases tried by the Magistrates under their Special powers according to Act XV of 1862 is given below:—

Names of Officials vested with special powers.	Number of cases decided under special powers.	Number of cases in which appeals were preferred.	Sentence confirmed.	Sentence reversed.	Sentence modified.
Akyab District.					
Major E. J. Spilsbury, Deputy Commissioner	7	5	4	1	0
Mr. J. Treacy Offg. Do.	2	1	0	0	1
Total ...	9	6	4	1	1
Akyab Town.					
Mr. J. Treacy, Magistrate	3	0	0	0	0
Lieut. G. A. Strover Do.	20	4	3	1	0
Total ...	23	4	3	1	0
Ramree District.					
Capt. W. C. Plant, Deputy Commissioner	11	7	6	0	0
Total ...	11	7	6	0	0
Sandoway District.					
Captain W. W. Pemberton, Deputy Commissioner	8	0	0	0	0
Total ...	8	0	0	0	0
Grand Total ...	51	17	13	2	1

I. The above return shews that there were 51 cases decided by the Magistrates of Districts under their special powers. Of them in 17 cases the orders of the Magistrates were appealed against; in 13 they were confirmed and in 3 only were reversed or modified.

The result is doubtless very favorable to the officers concerned.

AKYAB DISTRICT

In this District there were 5 Appeals preferred from the orders of Major Spilsbury, 4 were confirmed and 1 only was reversed, a very favorable result.

There was 1 Appeal from the order of Mr. Treacy which was modified.

AKYAB TOWN.

III. From the Town Magistracy only 4 cases were appealed against 20 decided under special powers by Lieutenant Strover, of them 3 were confirmed and 1 reversed.

Mr. Treacy decided 3 cases under special powers and none appealed.

RAMREE DISTRICT

IV. In this District 7 cases were appealed from the orders of Captain Plant against 11 decided under special powers, and all were confirmed.

SANDOWAY DISTRICT

V. In this District there were 8 cases decided by Captain Pemberton under the special powers and none were appealed against.

NORTHERN ARAKAN

VI. The Superintendent of Hill Tribes Mr. Davis does not exercise special powers under Act XV, of 1862.

16. The several Deputy Commissioners have made mention of the Officers Subordinate to them in the following terms.

AKYAB DISTRICT

I. Major Spilsbury says: "Mr. Hind Assistant Commissioner has been very assiduous in the discharge of his duties, which are very heavy; he is very careful and pains taking, he has held the powers of a Magistrate and District Officer during the year.

Mr. C. D. C. Lloyd held the powers of a Subordinate " Magistrate of the 2nd Class, his work during the year was " much more than in 1867; he has performed his duties in a " very satisfactory manner.

" Mr. T. W. Hunt Officiating Assistant Commissioner; " this Officer held the powers of a Subordinate Magistrate " of the 1st Class. Of him the Deputy Commissioner has al- " ways reported very favorably and now regrets that instead " of having again to bring him to the favorable notice of his " superiors, he has to deplore his death in August last.

" Moung Kulla 1st Extra Assistant Commissioner, Naaf, " has held the powers of a Subordinate Magistrate of the 2nd " Class during the year. The Deputy Commissioner can only " say of this Officer that he has served Government worthily " for many years but is now past heavy work from age."

A Statement which I beg to observe. This Officer was long since specially reported on (see my letter No. 180 dated 15th August 1868.)

" All the Extra Assistant Commissioners 3rd class have " held the powers of a Subordinate Magistrate of the 2nd " class.

" Pha Phroo, at Myohoung has not performed his duties " satisfactorily, he is indolent and inclined to be disrespectful."

The Commissioner however lately had an opportunity of reading this Myooke, who is not at all a bad Officer, a lesson in a recent visit to Myohoung which will probably not be forgotten.

" Htoon Oo at Rathaidoung, this officer requires more " energy and should exact more attention to his orders from " his Subordinates; he is attentive to his duties.

" Moung Kulla 2nd, at Minbya has not had any pre- " vious training for his Office, is energetic but inclined to be " over-bearing; he has not much knowledge of his duties.

" Moung Nhin at Ooyeettoung East, this Officer was not " reported on favorably in 1867, he has since been suspended " under the Order of the Commissioner, Moung Shwè Htoo has " Officiated for Moung Nhin since 19th October; he has con- " ducted his duties satisfactorily.

" Moung Bein, Extra Assistant Commissioner 3rd Class " at Doyoettoung West, is an old man and has long served " Government, he has carried on his duties very satisfactorily.

"There is but one Honorary Magistrate Dr. Mountjoy " at Poundawbyeng ; the appointment of an European Officer " at that remote spot is very advantageous for the people; he " takes an interest in his Magistracy, but has found his du- " ties as grantee interfere with speedy decisions."

We have, I think, to acknowledge gratefully the services of Dr. Mountjoy, which, I fully believe, he discharged as zealously and carefully as was possible in the midst of his onerous cases as manager of a large and troublesome property.

II. With regard to the Police Major Spilsbury says, "I " have received cordial assistance from Captain Munro, Su- " perintendent of Police on all occasions, but though the Po- " lice have made more arrests in 1868, and the proportion of " convictions to arrests has increased in many classes of " Heinous Crimes, still they were not effective against the " sudden outbreak of Dacoity, and frequently failed to obtain " any clue to the perpetrators or to capture those who were " known. As an increase of pay has been sanctioned, the " Superintendent will now be able to make a better selection " and weed out those who are unfit. In the preparation of " cases and collecting of evidence there is still great room for " improvement."

I am bound to put on record some remarks regarding Captain Munro's undoubted zeal and efficiency as a Police Officer. He has a thorough knowledge of the District which is especially valuable in the wild region known as the Hill Tracts. Here I have recently had the opportunity of testing and profiting by his knowledge in critical circumstances and have found him a thoroughly trustworthy Officer.

Mr. McLeod, Assistant Superintendent of Police, who served in this District from 1st February to end of the year was most active and determined in following up the Dacoits to whom the increase of this crime was due during the year. He succeeded in putting a stop to their depredations and breaking up their gangs.

III. Lieutenant Strover says with regard to Subordinate Magisterial authorities: "The
AKYAB TOWN
"Honorary Magistrates for the Town "of Akyab, Messrs. Hay and Bulloch have been absent "throughout the year."

IV. In regard to the working of the Police he says: "there is a considerable improvement in the number of cases "brought to trial to those reported in Non-bailable offences, "being 53 per cent in 1867 and 72 per cent in 1868, but the "convictions have fallen from 62 to 56 per cent. Captain "Munro, the Superintendent of Police, has exercised a care- "ful superintendence over the Police, and, on the whole I am "well satisfied with the manner in which their duties have "been performed. Now that an increase of pay has been "sanctioned for the lower grades of the Police, their efficiency "and trustworthiness will doubtless increase in proportion."

V. Captain Plant Deputy Commissioner says, in regard
RAMREE DISTRICT.
to the several Subordinate Magisterial authorities.

"Extra Assistant Commissioner Moung Shwè Dike Kay "received the powers of 1st Class Subordinate Magistrate "during the year and has consequently been of much greater "use to the Magistrate, than before in Criminal matter.

"Moung Shwè Dike Kay is a clear headed, hard working "Magistrate and worthy of favorable notice.

"Moung-Na-Hto-Shwè Extra Assistant Commissioner "Ramree, is also a very good Magistrate, forms a sound opin- "ion in the cases before him and fully fitted, if not too ex- "ceptionable for increased Magisterial powers."

"Extra Assistant Commissioner Hla Htoon Oung and "Phoung-tha-oo have performed their Magisterial duties satisfactorily."

VI. In regard to the working of the Police Captain Plant says, "the result shows a deterioration, but then the "Police had to contend with a difficulty which had no exis- "tence in the previous year, that was the establishment of "Opium-Farms, the effect of which has already been set forth "in other paragraphs of this section. Mr. Ireland Officiating "Deputy Commissioner had charge of the Police from 1st "to 7th January 1868.

"Captain Plant Deputy Commissioner held charge from " 8th to 22nd January 1868, when he was relieved by Mr. W. H. " Pattisson, Superintendent of Police who was ordered away " to another District and made over charge of the Police to " Captain Plant on the 7th July 1868. Lieutenant W. G. " Carr Officiating Superintendent of Police arrived on the 30th " July 1868 and held charge for the rest of the year.

"There was not the smallest disagreement or discord " throughout the whole year, between the Magistrate and the " Police Officers. All went smoothly and they carried on their " several duties with concord for the common good, and bene " fit of the District.

"A more important District, and a large sphere for the " exercise of his excellent qualities as a Police Officer, de- " manded the services of Mr. W H. Pattisson and it was " with no small feelings of regret personal, as well as official " that the Magistrate viewed his departure from the District. " Mr. Pattisson's zeal, activity, intelligence and interest in his " work, is worthy of notice and commendation. Lieutenant " W. G. Carr has carried on his Police duties satisfactorily; he " is energetic and intelligent, and with more experience and a " further knowledge of the language will no doubt turn " out a good Police Officer "

VII. Mr. Macrae says with regard to the Subordinate Magisterial Officers of his District.

SANDOWAY DISTRICT.

"The Subordinate Magistrates appear to " get through the work fairly; the present Officiating Deputy " Commissioner has not yet had time to form a correct esti- " mate of their Judicial Powers."

The late Deputy Commissioner reported favorably of all these Officers though one of them Moung Kya Oung is getting past work from the infirmities of age.

Captain Pemberton spoke of the Subordinate Magistrates in the following terms:—

"TsitKay Moung Thadoway is a good Judicial Officer " and has performed his duties to my entire satisfaction.

"Moung Shwè Boo, Northern Myooke, is also a very " good officer, he understands his duties and does them well.

"The Southern Myooke, Moung Kya Oung, is an old man " with a little Judicial experience; he does his best.

VII- In regard to the working of the Police in this Dis- " trict Mr. Macrae says. "There has been little crime of a vio- " lent nature. One robbery in which the parties were not " brought to trial and one murder for the purpose of Robbery " committed towards the close of the year, upon a Broker of " silk goods by his coolies who escaped, except one who has " not been yet brought to trial, as the only witness is not yet fit " to give evidence.

"In the month of March a man was found murdered on " the Prome road but no clue has been found to lead to the " discovery of his murderer. Three cases of Rape have been " brought to trial but none of them proved. The number of " Thefts committed is 107 of which 53 cases only were brought " to trial. There has been no Superintendent of Police here " for the last ten months of the year. The Deputy Commis- " sioner Captain W. W. Pemberton having been in charge of " the force.

"Mr. Banbury is an intelligent and painstaking young " Officer, and was of much assistance to Captain Pemberton. " The subordinate police are very ordinary indeed."

IX. Mr. Davis has said nothing with regard to the NORTHERN ARAKAN. Subordinate Magistrate under him.

He has also made no remarks on the working of the Police. But I am aware from my tours in the Hill Tracts, that the Police there have very onerous duties to perform, which they have throughout the year discharged to my entire satisfaction. The Superior Officers there employed appear to be particularly good men in whom confidence can be placed.

17. The result of the Appeals and Commitments to the Sessions Court are shown below :—

I. APPEALS.	Rejected	Confirmed	Reversed	Modified	Returned for reinvestigation
In the whole Divn:	9	65	7	6	1

II Commitments	Cases	Persons
Convicted	9	22
Acquitted	4	6

I. From the above it will be observed that there were 88 Appeals from the orders of the Magistrates to the Court of the Sessions, 15 more than were preferred in 1867. Of the 88 Appeals only 14 or $\frac{1}{6}$th of the number were reversed, modified or returned for reinvestigation, a clearly favorable result.

II. With regard to the Commitments, the result is satisfactory, in 9 cases with 22 persons, 22 were convicted and in 4 cases 6 persons, 6 were acquitted.

18. In detail the Appeals and Commitments were as below

	Appeals.				Persons committed.			
	Rejected.	Confirmed.	Reversed.	Modified.	Convicted.	Acquitted.	Cancelled.	Remarks
Akyab District.								
Major E. J. Spilsbury, Dy. Commr. ...	2	13	2	...	6	...	...	
Mr. J. Treacy, offg. do ..	1	1	...	1	1	1	...	
TOTAL ...	3	14	2	1	7	1	...	
Akyab Town.								
Mr. J. Treacy, Magistrate. ...	3	2	1	...	...	...	...	* 1 Case returned for re-investigation is shown with number modified.
Lieutenant G. A. Strover, do. ..	1	11	1	*3	1	...	...	
TOTAL ...	4	13	2	3	1	...	...	
Ramree District.								
M. W. DeCourcy Ireland, Dy. Commr. ...	...	1	...	...	...	...	...	
Captain W. C. Plant, do ...	...	12	...	1	1	...	...	
TOTAL ...	...	13	...	1	1	...	...	
Sandoway District.								
Capt. W. W. Pemberton, Dy. Commr. ...	...	9	3	...	...	...	...	
TOTAL ...	...	9	3	...	...	...	...	
Northern Arakan.								
Mr. J. C. Davis, Superintendent ...	...	2	...	...	1	2	...	
TOTAL ...	...	2	...	...	1	2	...	
Mr. James Hind, Asst. Commr. Akyab	1	14	...	2	11	3	...	
TOTAL ...	1	14	...	2	11	3	...	
Dr. J. W. Mountjoy, Honorary Magistrate Poungdawbyeng ...	1	...	...	...	...	...	...	* 1 Person charged and convicted by the Sessions Court is not shown here.
TOTAL ...	1	...	...	...	...	...	...	
GRAND TOTAL ...	9	65	7	7	*21	6	...	

I. The above shows that there were 17 Appeals from the orders of Major Spilsbury Deputy Commissioner of Akyab. Of them his orders were reversed in 2 only.

There were 6 persons committed by that Officer and they were convicted. These results are satisfactory and creditable to Major Spilsbury's judgment.

II. There were 9 Appeals preferred from the orders of Mr. Treacy as Officiating Deputy Commissioner of Akyab and Magistrate of Akyab Town. Of them his orders were reversed in 1 and modified in 1.

2 Persons were committed for trial at the Sessions; 1 was convicted and 1 acquitted

III. From the orders of Lieutenant Strover as Town Magistrate, 16 Appeals were preferred. Of them his orders were reversed in 1 and modified in 3.

1 Person was committed by him for trial at the Sessions and was convicted. Satisfactory results.

IV From the orders of Mr. Ireland as Deputy Commissioner of Ramree only 1 Appeal was prefered which was confirmed.

From the orders of Captain Plant who succeeded Mr. Ireland, 13 Appeals were preferred, of them in 1 only his orders were modified.

1 Person was committed by him for trial at the Sessions and was convicted. Results very creditable to Captain Plant.

V. From the orders of Captain Pemberton 12 Appeals were preferred, of them 3 were reversed.

No person was committed by him to the Sessions for trial

VI. From the orders of Mr. Davis, 2 Appeals were preferred and were confirmed.

3 Persons were committed for trial at the Sessions, of them 1 was convicted and 2 acquitted

VII From the orders of Mr. Hind, 17 Appeals were preferred, of them only 2 were modified.

He committed 14 persons for trial at the Sessions Court, of them 11 were convicted, and 3 acquitted. Good results, for which Mr. Hind deserves credit.

VIII. There was only 1 Appeal preferred from the orders of Dr. Mountjoy which was rejected.

19. With regard to the several Magisterial Officers I beg to state as follows:—

I. Major Spilsbury.

"Very conscientious and painstaking. This Officer I feel sure would not have incurred the censure which has occasionally been expressed regarding his Returns if he had had the advantage of an adequate judicial establishment. He has had great difficulties to contend with in this respect. Our Arakan Establishments as a rule (the Commissioner's honorably excepted) are very inferior to those of Pegu and Tenasserim. Major Spilsbury does not spare himself.

II. Mr. Treacy.

A good Judicial Officer.

III. Lieutenant Strover.

A willing good Officer.

IV. Mr. Ireland.

A very zealous and intelligent Officer.

V. Captain Plant.

I know of no better Judicial Officer. He is a great loss to this Division.

VI. Captain Pemberton.

Patient, painstaking and intelligent.

VII. Mr. Davis.

A very promissing young Officer with some special qualifications, such as aptitude for languages and knowledge of the character of the people."

20. Lieutenant Colonel J. F. J. Stevenson was the Commissioner throughout the year. He disposed of 88 Appeals and 13 Commitments.

II. And there were no Appeals nor Commitments pending in the Court of the Commissioner at the close of the year.

III. The average duration of cases committed to the Sessions from date of Commitment till sentence was passed was:—

In 1867.....33 days.
In 1868.....22 days.

which shows an improvement of 11 days.

21. The Prisoners convicted by the Sessions Court were sentenced as follows:—

Death.....	.....	.....	 6
Transportation for 10 years...			 1
Imprisonment for terms, for 14 years...			1
do.	do.	For 7 years ...	1
do.	do.	For 5 years ...	3
do.	do.	Below 1 year	10
Total	.....	.....	 22

22. Agreeably to Circular order No. 193 dated the 12th October 1865 all cases tried by the Honorary Magistrates of this Division are included in the returns for the year. The only Honorary Magistrate was Dr. Mountjoy in the District of Akyab.

23. There were no Criminal Lunatics under trial in any of the District Courts at the close of the year under review.

24. From Statistical Statement B of Criminal Justice I find there were 4,265 persons brought to trial during the year under review, which is a decrease of 460 persons compared with the return for the previous year.

There were 2,781 persons convicted or committed during the year, a decrease of 432 compared with the return of 1867.

The number of acquittals during the past year was 1,490 which is 5 more than in 1867.

25. The amount of fines imposed during the year was Rs. 26,757-1-6, of which sum Rs. 22,162-0-6 or about 82 per cent were realized.

26. Compensation under Section 44 of the Code of Criminal Procedure was ordered to the amount of Rs. 906-14-8, of which sum Rs. 578-10-8 were actually paid.

27. The population of the Division was 453,314 souls; the number of persons brought to trial being 4,265, the percentage is 0.94.

28. The proportion of convictions and commitments to number of persons brought to trial was about 65 per cent.

GENERAL REMARKS.

29. I have only to remark that there is good ground for suspecting some of the tributary Khoomies on the Pay Khyoung of Dacoities in the Chittagong Hill District during the year. There is very little crime as Mr. Davis observes in our Hill Tracts, but even the tribute paying people cannot be considered to have much respect for the Law as Law. The various tribes are restrained from indiscriminate aggressions on each other by their regard for old usages and customs which while they justify aggressions in cases of real or supposed wrong, undoubtedly operate to restrict them to such cases. Again our tribute-paying people feel our rule and fear to provoke us. I consider that they are remarkably amenable to control, more so than ordinary Arakanese and this because I think they are a more timid people. That they are often ready to make hostile incursions out of their own country, to commit dacoities, in fact in localities where they think they can do so with impunity, is unfortunately quite certain. In this view they may be said to be a lawless people. But I am disposed to believe from what I know of them that in some parts of the country, on the Koladan for instance, there are many clans peacefully disposed with a growing tendency to become as orderly and industrious as any of the best disposed people in Arakan.

30. With regard to the Yazawot Goungs, the Deputy Commissioner of Ramree says as follows:—

"The Razawot Goungs are a most useful body generally, " and perform their duties as a rule, to the best of their abili- " ty but of course they require instruction, which owing to " their position it is not easy to impart to them, except in " correcting any errors they make. Police Officers should re- " collect this, and not cry out that the Razawot Goungs spoil " their returns; in fact the Razawot Goung is the right hand " man of the Regular Police Force."

The other Officers have made no remarks with regard to these Officers. The institution of Razawot Goungs is well known to be a valuable one: it is time honoured and capable of much usefulness. They are a class which District Officers Civil and Police should always treat with great consideration, care should be taken of course to appoint the best obtainable

men, and even for the small salary of Rs. 10 per mensem very good and influential men can be had, and when appointed they should be so dealt with that the people may see that their position is recognized as influential and respectable. They should be treated I think more as heads of the people, with confidence than as petty servants as they often are with severity. Generally speaking, experience alone with a thorough knowledge of the people teaches Officers the real value of Goungs and the way to manage them, and make them useful.

31. With regard to the working of the Stamp Act No, XXVI of 1867, the District Officers have made the following remarks.

AKYAB DISTRICT.

II. Major Spilsbury says:—"Act XXVI of 1867 was "under operation in this District "throughout the year; as before re-"marked it seems to have checked needless litigation, but has "not stopt complaints being made when they were really called "for, this appears to be proved by the statement at para: 34 "comparing the number of cases withdrawn and struck off in "1868 with those of 1867, the percentage of withdrawals is "much greater in the latter year.".

AKYAB TOWN.

III. Lieutenant Strover says: "The Stamp Act, XXVI "of 1867, has been in force throughout "the entire year, and judging from the "increase of Bailable Offences in this and past years it would "seem that it has in no way tended to check complaints, in "petty cases of Assault, insult &c., indeed were the stamp "duty raised to 2 Rs. on petitions, or *were the former standard "of fees on processes* re-enacted, litigation in this respect "would in all probability keep up to its old position* * * * * *

"The Pleaders, as a rule, who patronize the Courts, do "without doubt, stir and bring up many cases for which there "is no foundation, thereby entailing extra labor and loss of "money. It might possibly prove of some service if a Reg-"ister was kept showing the names of Pleaders and the "number of petty cases brought up by them day by day with "the number of cases and persons in which convictions and "acquittals followed. The totals of this Register at the close "of the year would show to a certain extent, the respective

"merits of the Pleaders with the view to further advance-
"ment, and the chances are that few cases, or cases unsup-
"ported by evidence would be brought up to needlessly con-
"sume the time of the presiding Officer. Pleaders are doubt-
"less of great use in some respects and are the means of af-
"fording facilities to the poorer classes unacquainted with the
"procedure of Courts, and others, for obtaining redress, but
"at the same time those facilities prove only of real practical
"value when employed in cases where redress is warranted,
"and the slight check above mentioned might prevent many
"a Pleader from being over energetic and too ardent in the
"pursuit of his calling in order to secure his own interests,
"at the expense of both the judge and the suitors."

I cannot concur in these remarks. Such a register might I think be misused by some Officers. Advantage might be unduly taken of it by inexperienced or hasty officers and Officers with a bias against Pleaders.

Personally I have not found any difference between the Pleaders who come before me here and those of other parts of Burma.

RAMREE DISTRICT.

IV. Captain Plant says:—"Owing to fees for service
"of processes in petty Criminal cases,
"having been done away with from
"1st August 1868, no appreciable opinion can be formed on
"the effect of the Stamp Act in 1868 on petty Criminal cases,
"because the Stamp duty is much less than *what the fees used*
"*to amount to and therefore* the 1 Rupee Stamp would not show
"as yet as a deterrent though in time it may do so. The duty
"annas 8 under last Clause 10, Schedule B Act XXVI of
"1867, has not effected petitioning seemingly, and I don't
"think this taxation is much felt or at all oppressive."

SANDOWAY DISTRICT.

V. Mr. Macrae says:—"The new Stamp Act works
"well as respects the provisions ap-
"plicable to papers filed in the Crim-
"inal Courts, and does not appear to have any effect in re-
"ducing the number of prosecutions in petty Criminal cases.
"I do not believe that the tax of one Rupee on complaints
"not cognizable by the Police hinders in any way the bring-
"ing forward of just complaints, while its tendency is to stop
"such as are frivolous and groundless.

"No prosecutions under the Stamp Act have been insti-
"tuted in this District during the year.".

It will be found that the most experienced officers are of opinion that the recent imposition of the slight tax on Criminal Justice has resulted only in establishing a salutary check to frivolous and unfounded complaints. I do not see how we could go further and tax complaints more highly, but the present duty is certainly not too high, and while it acts as I have said well as a check, it does not I am persuaded work any appreciable, or I may say discoverable injustice.

32. As regards the new Gambling Act (III of 1867) the several Magistrates of the Districts have made the following remarks :—

AKYAB DISTRICT

II Major Spilsbury says :—"Act III of
"1867, was in operation in this Dis-
"trict throughout the year but excluding the Town of Akyab
"in its special Sections it was only applicable to the Towns of
"Old Arakan, Rathaidoung, Mroung Bway and Rallah East.
"There were only 47 persons brought to trial under it. Gam-
"bling is an offence very prevalent amongst the people
"of the country and if it be desirable to check it, the restric-
"tions of the Act do not tend to that end."

AKYAB TOWN.

III. Lieutenant Strover says :—"The Gambling Act
"III of 1867 has worked well during
"the year under review and does not
"call for any special remarks. There have been 8 Offences
"of 15 persons, against 14 cases of 50 persons for the year
"1867."

RAMREE DISTRICT.

IV. Captain Plant says:—"There were only 12 cases
"under the Act on prosecution of 57
"persons which did not give any great
"scope for comment; as stated in report for 1867 I still think
"the Act in its entirety would be ben eficially extended to
"the whole province and not confined to certain limits thereof;
"the limits to certain bounds I think tends to increase Gam-
"bling as the Act is in operation beyond those limits unless
"carried on openly in a public place."

SANDOWAY DISTRICT.

V. Mr. Macrae says:—"There were 13 cases tried last
"year involving 99 persons, of whom
"82 were convicted and 17 acquitted

" against 16 cases comprising 142 persons of whom 117 were " convicted in the previous year. This falling off does not " unfortunately indicate any diminution of the practice of " Gambling, for owing to the misconduct of a Police Officer " the vice was permitted to flourish unchecked and undetect- " ed in this station for some time. The greater number of " cases tried were under Section 13 of the Act."

Upon this subject I have to remark that undoubtedly Act III of 1867 does admit of much gaming with impunity. But by the late ruling of the Chief Court in Proceeding No. 1 of 3rd Quarter 1868, dated the 11th July 1868, gambling being now declared to be punishable even in remote parts of the country where it is carried on in public places, there will probably not be so much difficulty in bringing offenders to justice. I have only to add that the Law may be too lenient, but formerly our Law or at least our procedure was too severe. Mere card playing of a very harmless character was often put down with a resolution and a severity suitable only to serious crime. I should let the present Law stand unaltered, at least for some time longer.

33. There was an Assistant Superintendent appointed during the year in the Hill Tracts, Northern Arakan, with the powers of a Subordinate Magistrate of the 2nd Class.

34. Registers showing the names of parties convicted of certain offences and Alphabetical Registers are reported by the Deputy Commissioners of Ramree and Sandoway to have been kept up to date.

The Deputy Commissioner of Akyab says:—"The Alpha- " betical Register showing all persons convicted of Heinous " offences &c. has been completed for the year 1868. Owing " to the insufficiency of the Judicial Establishment, where there " is but one English Writer the preparation of the Register " for the years 1862 to 1866 has not been effected. The death " of the Head Judicial Clerk in June last, also caused it to be " overlooked."

35. The Records of the Deputy Commissioners' Courts of Akyab, Ramree and Sandoway are reported to have been arranged. Regarding the Records of the Subordinate Courts the Deputy Commissioners of Akyab and Ramree have reported to have examined and found them in good order.

The Deputy Commissioner of Sandoway says—"The "writer has examined the Criminal Register of the Court "of Extra Assistant Commissioner 2nd Class and found them "in good order."

II The Criminal Registers and all Books and Records of the Court of the Deputy Commissioner Akyab, were inspected by me in the month of May, and those of the Deputy Commissioners of Ramree and Sandoway in December last.

I found very few errors or irregularities in the Books of Akyab and Ramree. The Sandoway Books were not so well kept. Throughout Arakan I found that in recording the days of detention of witnesses only those days are reckoned on which they are called or heard. This is obviously wrong and misleading. The total detention in the station should be shewn. I have fuller remarks on this subject elsewhere.

III. With regard to the Registers and Records of the Commissioner's Court much damage has been done by the Cyclone of 13th November, the building having been then unroofed and much damaged. Some of the Registers have not yet been found and the Records are still generally in considerable but unavoidable confusion.

36. The Examinations and defences of all accused persons in this Division are recorded in the Vernacular Language of the accused when possible.

37. There were 3 cases called up from the Magistrate's Court for inspection without appeal and the irregularities found in the Law and Procedure were pointed out to that Court.

38. I avail myself of every opportunity which presents itself to point out and correct errors and irregularities in the Proceedings of the Lower Courts.

REPORT

OF THE

SESSIONS JUDGE OF PEGU.

For 1868.

—oo—

From Lieutenant Colonel R D ARDAGH, Commissioner of Pegu, to the Secretary to the Chief Commissioner, British Burma, Home Department, Judicial No 1, dated Rangoon, 9th April 1869

I have the honor to submit herewith the local Criminal Report of the Administration of Criminal Justice during the year 1868-1229/30 in the several Courts under my supervision, with statements.

* Attached is also in original Captain Lloyd's reply, Home Department No. 27-12 of 7th April 1869 to the reference made for explanation as to delay in the trial of cases complained of by Major Hamilton, which will be found noted in para 29, of the report.

I much regret that with the Local Report and Statements I am not in a position to send up the Statistical Returns and reports thereon.

Of these I have received from the Districts, only as below :—

DISTRICT	Reports Received	Returns	Remarks
Rangoon Town	Not yet Received	All in	
Do Cantonment	Do	Do	
Do District *	Do.	Do	
Bassein Do	Do	Do.	
Myanoung Do	Received	Do.	
Prome Do	Not yet Received	Not yet Received	Telegraphed to
Toungoo Do	Received	All in	

* In Appendix.

Introductory.

1 The Criminal business performed in the Division during the year is exhibited as below in two Sections:—

I. That in the Sessions Judge's Court.

II. That by the District Magistrates, and their Subordinates.

Sessions Judge.

2. Colonel Ardagh has been Sessions Judge throughout the year.

SESSIONS COURT.

SECTION I.

TRIALS.

Comparative Table of Trials.

3. As compared with the year $\frac{1867}{1228\text{-}29}$, the Sessions trials have been as below:—

YEAR.	Under trial in previous year.		Committed to Sessions during year.		TOTAL.		Disposed of.		Under trial at end of year.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1867	1	2	40	82	41	84	36	65	5	19
1868	5	19	37	82	42	101	35	78	7	23
Increase	4	17	„	„	1	17	„	13	2	4
Decrease	„	„	3	„	„	„	1	„	„	„

Remarks on Do.

4. The number of persons committed to the Sessions was nearly the same as in the previous year, although there were more cases by three. Inclusive of arrears the total work was somewhat heavier.

Out of 42 cases (101 prisoners,) 35 (78 prisoners) were disposed of during the twelve months.

5. The reason of so large a number as 7 cases with 23 prisoners being pending at the close of the year is that the Commissioner was obliged to take on him the duties of the Recorder's Court from the 1st November. Of these he had not been relieved on the 31st December; otherwise the Prome Sessions cases, which remained untried, would have been easily worked off, as they were in the months of January and February, when the Commissioner was free to go on Circuit.

Cause of increase in Pending Cases.

6. The classes of cases sent up for trial were as follows:—

Classification of Crimes sent for Trial.

1867.			1868	
Cases	Persons		Cases	Persons
26	32	Murders, Culpable Homicides, Abetments and attempts to Murder	22	32
		Concealing Evidence in a Murder Case.....	...	1
2	11	Dacoity with Murder and abetment.....	4	12
10	37	Dacoities (other cases) Robberies and receiving of plundered property &c.	10	36
1	1	State Offences.		
1	1	Perjury.	1	1
40	82	TOTAL.	TOTAL. 37	82

There does not thus appear to have been any remarkable falling off or increase in any of the several descriptions of crimes which the Magistrates sent before the Sessions for disposal.

7. Appended to this Section I give as usual a short account of each of the Homicide cases that were tried.

Appendix noticed.

8. The most remarkable of those included under the head "Dacoity," was an attack made on the Treasury at Bassein by an armed party, acting under the orders of one *Kyanthā*, who assuming the title of *Theinza Nagara Mintha* or Prince of Bassein gave himself out to be a scion of Burmese royalty and endeavoured to excite a small rebellion on the chance of

Attack on Bassein Treasury.

"something turning up." Mr Beddy, the Deputy Commissioner very speedily put the would be revolutionists to flight, and brought the offenders to justice.

Act XV of 1862, Not or, and Procedure in Approvers Cases.

9. Some of the committals were of cases which the Deputy Commissioners under their special powers could have disposed of, only that they considered themselves required to commit, according to a ruling of the Calcutta High Court, approvers having been admitted. The inconvenience of acting on a ruling which originally was meant to apply to Procedure which Act XV of 1862 interfered with, has already been noticed The Criminal Procedure Code Amendment Act which has just passed makes it still more evident that in exercising special powers under Act XV of 1862, Deputy Commissioners take the place of Sessions Judges in respect to the cases tried by them

Advantage will be taken of this, to have prohibited in future, commitments such as above noticed.

Procedure in trials with the aid of Assessors.

9-A. In the last Annual Report was set forth in the following words the procedure in Sessions cases conducted with the assistance of Assessors :

" Regarding the Assessors more in the light of advisers " of the presiding Judge than as Jurymen whose verdict " may be over-ruled, I have always obtained their several " opinions *before* addressing myself to note the bearings of " the case."

The same course of procedure has been strictly observed by the Sessions Judge in the trial of all cases which have since come before him during 1868.

This is especially repeated here as he has lately been sent an extract from a Government letter by which he has been made aware that both the Chief Commissioner and the Secretariat of Calcutta have taken objection to this procedure.

The question however is still under further reference as it is found that the opinion held by the Calcutta High Court coincides with that of the Sessions Judge

Duration of Sessions Trials.

10. The duration of Sessions cases, as compared with 1867 was as below:—

	1867.	1868.
Number of cases under trial.....	41	42
Total number of days.....	2,394	1,954
Average duration in days.....	58¼	46½

The average improvement has been nearly 12 days in each case.

Result of trials.

11. The result of the trials on committals in the several Districts was

District.	Pending trial. Cases.	Pending trial. Persons.	Convicted.	Acquitted.	Disposed of without trial.	Pending.	Remarks.
Sessions Court...	1	1	1	...	...	...	
Rangoon	5	5	5	...	...	...	
Bassein	6	19	17	2	...	...	*†1 Died.
Myanoung... ...	7	12	6	6	.	...	1 Commitment cancelled,
Prome	22	58	31	7	3†	17	as already sentenced to trans-
Toungoo... ...	1	6	..	...	...	6*	portation for life.
							1 admitted as an approver.
TOTAL ..	42	101	60	15	3	23	1* case of Gaol outbreak with Murder.

The proportion of convictions to acquittals was high except in Myanoung, where only 50 per cent of those committed for trial were convicted.

Ratio of result for whole of the Division.

12. The proportion for the whole Division as compared with the previous year is thus shown:—

	1867.	1868.
Convicted.	56.48	59.41
Acquitted	11.90	14.85
Disposed of without trial		2.97
Pending	22.62	22.77
	100.	100.

The convictions for 1868, were it will readily be seen, as

in the ratio of 4 to 1. This is not as great as in 1867, but is considered to be a fair result.

13. The sentences awarded to those convicted were, as contrasted with the previous year:—

Punishments awarded

1867	Particulars of Sentence.	1868.
7	Capitally sentenced ..	7
27	Transportation for life ..	11
1	For 7 years and upwards ..	22
11	Rigorously imprisoned for periods above 7 years ..	4
8	do do. above 3 years ..	11.
1	do. do. below do.	5
55	Total Total.	60

Capital Sentences.

14. The Chief Court confirmed all the cases in which Capital Sentence was passed.

Review of Sessions Trials.

15. No Sessions Cases were called up by it for revision during the year.

SECTION 2.

APPEALS.

Appeals

16. The total number of appealed Cases on the Criminal side during the year, and as contrasted with 1867, was,

Year.	Pending.	Instituted.	Total.	Decided	Pending.
1867. .. .	4	66	76	66	4
1868 .. .	4	101	105	105	

Preferred more in Rangoon and Prome.

17. By far the largest number of Appeals have been from the Districts of Rangoon and Prome, the two I had charge of when Deputy Commissioner. I suppose it is on this account.

18. The below table shows how the above appealed cases were disposed of, and the Districts they came up from.

Appeals how disposed of

Districts.	Total Cases.	Decision not interfered with.	Modified or reversed or reinvestigation ordered.	Pending.	Per centage of cases, "confirmed" or petition "rejected."
Rangoon	24	13	11	...	54·2
Bassein	9	6	3	....	66·6
Myanoung	17	11	6	...	64·7
Prome...	53	41	12	.....	77·3
Toungoo	2	2	.....	....	100·0
TOTAL	105	73	32	....	69·5

The two previous years, the proportion was:—

1866 ... ... 52.6
1867 ... ... 71.4

Pending Cases

19. No Cases were pending at the end of the year.

PART II.

DISTRICT COURTS.

SECTION I.

OFFICERS AND POWERS.

Magistrates' Court.

20. In the District Courts are included

1. The Court of the District Magistrate.
2. „ of the Magistrates who have been vested with full and ordinary powers.
3. „ of the 1st Class Subordinate Magistrates.
4. „ of the 2nd Class Subordinate Magistrates.

District Magistrates.

21. The District Magistrates have been as below:—

RANGOON:—Captain Malcolm Lloyd.

BASSEIN:—Mr W. H Beddy.

MYANOUNG;—Major Hildebrand

PROME:—Captain Watson, till 13th January, Captain Street from 13th January to end of year.

TOUNGOO:—Major McMahon throughout the year.

TOWN MAGISTRATE:—Major Duff

CANTONMENT MAGISTRATE:—Captain Wynch from 1st January to 16th January, Major Duff from 17th January to 1st December 1868.

Captain Hughes from 2nd December to the end of the year.

Assistant Commissioners exercising Magistrates Powers.

22. Magisterial and Subordinate powers were exercised by Assistant Commissioners as below:—

Names.	District.	Powers.	
Major W. Munro ...	Prome ...	Full powers...	
	Thayetmyo ...		
Captain C. O. L. Prendergast ...	Rangoon ..	Full powers...	16th Sept. 1868.
	Yandoon ...		
Mr. D. Lonsdale . .	Rangoon ...	Full powers...	
Mr. C. Phillips ...	Prome ...	Full powers...	
Mr. R. St. John ...	Myanoung ...		16th Sept. 1868.
	Mengyee ...	Sub: Magist. 1st Class ...	
Lieut Gower	Myanoung ...	Sub: Magist. 2nd Class...	
Mr. Duke ...	Toungoo ...	Do.	
Lieut. M. Furlong ...	Prome ...	Do.	
	Poungdey ...		
do. R Evanson ...	Rangoon ...	Do.	
do. M Poole ...	Bassein ...	Do.	

Extra Assistant Commissioners exercising Magistrates Powers

23. Extra Assistant Commissioners of the 1st Class also in the same way :—

Names.	District.	Powers.
Mr. R. Perreau ...	Bassein, Nga Thein-ghyoung	Sub. Magistrate 2nd Class.
Moung On ...	Rangoon	Sub. Magistrate 1st Class.
Moung Nagaw ...	Myanoung, Donabyoo	Do do
Moung Kyau Doon ...	Myanoung, Henzadah	Do do
Moung Shwè Bya ...	Bassein	Sub. Magistrate 2nd Class.
Moung Shwè Bo ...	do Pantanaw	Do do

Besides which there have been two Extra Assistant Commissioners of the 2nd Class, and 37 of the 3rd Class exercising 2nd Class Subordinate Magistrates powers.

SECTION II.

WORK DONE.

Work done.

24. The number under trial during the year in the several Magistrates Courts is shown below :—

Years.	Class of Offences.	Under trial at close of previous year.	Brought to trial during the year.	Total.	Disposed of.				Under trial at the end of year.
					Committed.	Convicted.	Acquitted.	Otherwise disposed of.	
1867	Bailable ...	84	16,653	16,737	1	9,023	7,607	4	102
	Non-bailable ...	35	3,858	3,893	92	2,327	1,412	22	40
Total		119	20,511	20,630	93	11,350	9,019	26	142
1868	Bailable ..	102	17,191	17,293	1	8,626	8,567	10	89
	Non-bailable ..	40	4,616	4,656	77	2,694	1,798	27	60
Total.		142	21,807	21,949	78	11,320	10,365	37	149

Explanation of apparent discrepancy.

82 Total
1 Committed by Sessions Judge 5 of 1867 not shown in Sessions Judge's files till 1868
76
2 Recorder's Court
78 Total

25. The discrepancy apparent between the Sessions Judge's account of persons committed and that given here is explained in the margin.

26. The percentage of cases disposed of and pending for the 2 years is,

Percentage of Cases disposed of.

1867		1868.
0 45	Committed	0.35
55.02	Convicted	51.60
43.72	Acquitted	47.20
0 12	Otherwise accounted for	0 17
0.69	Pending	0.68
100.00		100.00

The convictions and commitments have decreased accordingly about 3½ per cent and acquittals increased in the same ratio.

Proportion of accused to Population

27. The proportion of those brought to trial during the year to the population was:—

In Bailable cases... ... 1.16
In Non-bailable cases 0.31

Number of Cases

28. The total number of cases in which the above were dealt with was 11,530, of which 9,011 were in the District and the remainder in the Courts of the Magistrate and Cantonment Magistrate of Rangoon. The average duration in the two latter Courts was very little over one day.

The average for the Districts was one case in 4.7 days, and the general average 4 days.

Delay in Rangoon

29. This as compared with 1867, is a falling off. It is owing principally to the long time taken in the Rangoon District Courts (6 days). The Police Superintendent, Major Hamilton, has

reported this in his Police Report and the Sessions Judge has called on the Deputy Commissioner Rangoon to explain.

Witnesses

30. There were 24,171 witnesses examined, of whom 20,953 in the District.

Those in the Town and Cantonments were not detained in any instance beyond one day, and as far as the Statement shows 4-5th of the witnesses in the District cases also were examined and allowed to go on the day of their appearance. In Myanoung however, the Diary of witnesses is kept in an incorrect manner. I fear that in that District the delay is much greater than even as shown in the statement. In Prome there were nearly 8,000 witnesses examined and the duration of attendance was longest.

SECTION III.

PUNISHMENTS.

Imprisonments awarded.

31. The following Table gives the punishments inflicted on those convicted by the several Magisterial Officers.

I. Under Deputy Commissioner's ordinary and special powers :—

Districts.	Seven years and above 2 years.	Below 2 years	Total.
Rangoon Town	20	553	573
" Cantonment	2	27	29
" District	24	37	61
Bassein	37	130	167
Myanoung	19	150	169
Prome	73	163	236
Toungoo...	20	87	107
Total...	195	1,147	1,342

II. By other Magistrates and Subordinate Magistrates under their normal powers :—

DISTRICTS	2 years and under.	6 months and under.	TOTAL.
Rangoon	19	203	222
Bassein	„	194	194
Myanoung	5	644	649
Prome	187	499	686
Toungoo	„	60	60
TOTAL	211	1,600	1,811

Whipped.

32. There were whipped

	Rangoon.		Districts.					
	Town	Cantonment.	Rangoon	Bassein	Myanoung	Prome.	Toungoo.	Total.
Adults..	...	1	...	2	19	20	8	50
Juveniles	11	...	...	2	9	14	10	46
Total ...	11	1	...	4	28	34	18	96

Fines

33. The amount of *fines* imposed was Rupees 1,50,573, of which rather more than two-thirds or Rupees 1,07,020 was paid. This was in excess of the previous year, as were also the sums directed to be given in compensation. These last amounted to Rupees 10,457 of which 6,231 was actually paid.

SECTION IV.

DETAILED REPORTS OF THE DISTRICT MAGISTRATES.

District Magistrates' Report.

34. The District Reports were submitted as below and are sent up in original :—

Districts.	Date.	Received.	Remarks.
Rangoon Town ...	4th February..	5th February..	
„ Cantonment	15th " ...	16th " ..	Prepared by Lieut. Poole
„ District ...	20th March...	20th March '69	Assistant Commissioner.
Bassein ...	25th Feb'y ...	1sth March ...	„ by Lieut. Gower A. Com-
Myanoung ...		26th Feb'y '69	missioner.
Prome ...		3rd March ...	
Toungoo ..	11th Feby '69.	25th Feb'y '69	

SECTION V.

CRIMES WITH THE VIOLENCE AND NOTICE OF THE DISTRICT POLICE IN REPRESSING SUCH.

Remarks on District Magistrates Reports.

35. The Deputy Commissioners' reports are intended to give not only detailed explanations of the figured Statements submitted, but also enter into the general state of crime of the several Districts and remark on the causes of such and whether the means at the disposal of the District Magistrate to repress the same have been defective or not.

Rangoon Town.

36. In Rangoon Town, heinous Crime has somewhat increased, and Major Duff (since transferred to Maulmain as Deputy Commissioner) considers there should be given more assistance in the way of some *River* Police.

37. The violent crimes are thus tabularized:—

1867		1868
Ascertained to have been committed.	Offences.	Ascertained to have been committed.
2	Murder	3
	Do with Attempt to commit Dacoity.	1
1	Dacoity	5
8	Robbery...	7

The Homicide cases thus are shown to have doubled themselves and the Dacoities and Robberies to have increased 25 per cent, but in these latter the Magistrate has included what was only a preparation to commit Dacoity made by the adherents of the Mingoon Mengtha an ill-conditioned scion of Burmese Royalty, who plotted to incite an insurrection with the idea of benefitting himself by the possible consequences.

Rangoon Cantonment Magistrate.

38. The Cantonment Magistrate's file is a very light one. The only serious crimes were two cases of Robbery, which would appear to be more of the nature of theft from the person by thieves on the platform of the Shwè Dagon Pagoda in the course of a festival.

Rangoon District

39. The Rangoon Deputy Commissioner's Report is a very long and detailed one. He has gone minutely into the history of a number of cases meaning to demonstrate the inefficiency of the Police working in his District, and these he cites in proof of a special report on Crime and Police which has already been sent up.

Violent Crime of Do.

40. The Crimes with violence I extract:—

1867	Offences.	1868
9	Murder	9
3	Culpable Homicide	5
8	Robbery...	23
	Dacoity with Murder	1
	Dacoity with grievous hurt	1
3	Dacoity	21

Remarks on Do

40 A. The increase in Robbery and Dacoity gives Captain Lloyd as District Magistrate (who has I think reasonable cause of complaint) a means of urging the accusation he has brought

against the general inefficiency of the Police as at present worked, which he has not been slow to avail himself of. This is not the place to enter into an enquiry into the relative value of the Police as worked before or after the creation of the present constabulary force: but until it is determined whether it is to be placed under the more direct control of the Deputy Commissioner, or as at present kept under the District Superintendent, who is theoretically his Subordinate but who is regarded by Captain Lloyd as really in a position to prevent his issuing direct orders and personally working the Police himself—the best man the Province can afford should be given for the Rangoon District.

Bassein district

41 Lieut. Poole Assistant Commissioner has on the part of the Deputy Commissioner Bassein submitted the Report on the Criminal Justice of his District.

Violent Crime in Do

42. The crimes attended with violence were.

1867	OFFENCES.	1868
8	Murder	7
1	Culpable Homicide	3
1	Dacoity with Murder	...
1	Do. grievous hurt	2
31	Dacoity simple	15
22	Robberies	22

Remarks on Do.

43. The decrease in the crime of Dacoity is (and I endorse what Lieutenant Poole says) due to the active and decisive measures adopted by the Deputy Commissioner in communication with the Superintendents of Police of the Rangoon and Bassein Districts (Mr. P. B. Doyle and Major Litchfield) for the suppression of the Dacoit Gangs which had for many years infested the Delta of the Irrawaddy, and to whose continued existence were to be ascribed the number and frequency of crimes of a violent nature in Bassein District.

I think it only right to add to this, that it was owing to the instructions of the present Chief Commissioner that the

field was taken by the District Officers, both Civil and Police in an efficient manner against the most obnoxious of these Gangs —one under the leadership of Shwè Moung, the son of Na Kaw, an outlaw of notoriety in the Bassein District who suffered capital punishment shortly before I went to England on furlough. Shwè Moung was cut down by one of his gang, after having been hunted into a state of despair.

Remarks continued

44. Under the head "Dacoity with grievous hurt" is given by Lieut: Poole an account of the insurrectionary attempt at Bassein; and in reporting on the working of the Police he notices the breaking up of the Gangs of the above named Shwè Moung and of another Brigand leader the "Hteinday Bo."

Do continued.

45. Lieut: Pole who is an officer who was transferred from Police employ acknowledges the services rendered by the Police in the Bassein District, and records that the proportion of convictions secured by them was some 10 per cent more in 1868, than in the previous year.

Myanoung District.

46. In Myanoung the report for the year was made out by Lieut: Gower, Assistant Commissioner.

Violent crime in Myanoung District

47. The more Heinous Crimes with violence in this District were

1867	OFFENCES	1868
8	Murder	5
3	Culpable Homicide...	2
	Dacoity with grievous hurt	11
32	Dacoities	33
20	Robberies...	6

Remarks on do

48. In respect to the violent crime in the District, Lieut: Gower in complimenting the Police for the success they had against the Gangs who committed most of the heavy crime in 1867, admits that there is very little improvement. Most of the crime occurred on the Tharrawaddy side of the river, to keep in check the lawless spirit of the people of which Sub-District,

he states the most strenuous efforts on the part of the District Officials of all grades will be required. Is desire the Chief Commissioner's attention to Lieut: Gowers remarks on the Police, and I fully concur with him in the thanks which he considers due to Major John Duval who is personally known to myself to be a very active Police Superintendent.

Prome District

49. Captain Street the Deputy Commissioner of Prome reports in the following words:—There has been a large and satisfactory decrease in the most serious crime, that of Dacoity, and the Police are entitled to great credit for the result; and from personal observation I entirely coincide with him in the encomium he has pronounced on Captain Thomas Lowndes the District Superintendent and Mr. Hildebrand the Assist: Superintendent of the Eastern Frontier, who are both excellent Police officers.

Violent Crime in Do

50. The violent crime however is still excessive and is thus shown:—

1867.	CRIMES.	1868.
16	Murder and attempt to Do	14
2	Do. Rape and belonging to a Gang of Dacoits ...	4
8	Culpable Homicide	2
10	Dacoity with Murder	8
7	Do. with grievous hurt	5
110	Dacoity and belonging to a Gang of Dacoits ...	61
84	Robberies	76

Remarks on do

51. Captain Street points out what has been known to be a fact for many years viz. that the prevalence of crime on the frontier depends almost entirely on the action taken by the Court of Mandalay.

In fact, if our frontier were removed 100 miles more to the North, crime in the neighbourhood of Myayday and Thayetmyo would descend to the level of the other Districts, and lawlessness would take up a new stand point about the latitude of Pahganmyo.

Toungoo District.

52. Major McMahon Deputy Commissioner of Toungoo has had an increase of crime in his District, which he attributes to "fortuitous circumstances," viz, the Rebellion in Upper Burma, the great flood in 1867, with the consequent dearness of the necessaries of life and the ill health of the Superintendent of Police (Mr. Anderson) during most of the dry season of 1868.

Violent Crime in Do.

53. Violent Crimes.

1867	Offences.	1868
2	Murder	4
	Culpable Homicide	2
1	Dacoity with Murder...	1
10	Dacoity	10
2	Robberies	11

SECTION VI.

SUMMARY OF VIOLENT CRIME.

Abstract of Violent Crimes for Division.

54. I shall here note an abstract of the above violent Crimes.

1867 DACOITIES AND ROBBERIES.									1868 DACOITIES AND ROBBERIES.								
Town.	Cantonment.	Rangoon.	Bassein.	Myanoung.	Prome.	Toungoo.	Total.	Offences.	Town.	Cantonment.	Rangoon.	Bassein.	Myanoung.	Prome.	Toungoo.	Total.
...	...	...	1	...	10	1	12	Dacoity with Murder ...	...	...	1	...	...	8	1	10
...	...	...	1	...	7	...	8	do with grievous hurt.	...	...	1	2	1	5	...	9
1	...	3	31	32	110	10	187	do Simple ...	5	...	21	15	13	61	10	125
1	...	3	33	32	127	11	207	Total Dacoities ...	5	...	23	17	14	74	11	144
8	...	8	22	20	84	2	144	Robberies ...	7	2	23	22	36	76	11	177
9	...	11	55	52	211	13	351	Total of both ...	12	2	46	39	50	150	22	321

From this it will be seen that there are 30 Dacoities and Robberies less in 1868 than there were in 1867, viz: a decrease in the former of 63, and an increase in the latter of 33. That crime attended with violence affecting property has increased most unsatisfactorily in Rangoon but it has decreased in Prome District, where however it is still too rife not to cause serious uneasiness.

Proportion of Dacoities and Robberies for last 5 Months

55. The time for committing Dacoities and Robberies in Burma is chiefly the first half of the year. The following Table will show the proportion of these violent crimes during the last five months, when a record of crime was furnished as compared with those committed on the whole :—

District	Full year	Last five months	Remarks
Rangoon	46	19	
Bassein	39	9	Taking the average of 25 7 12ths Monthly for 5 months, the improvement would be 8 4 5ths per month
Myanoung	50	15	
Prome	150	35	
Toungoo	22	6	
Total	307	84	

Murders and Homicides.

56. The Murders and Culpable Homicides are thus noted.

YEAR.	Rangoon		District.					Total	Remarks
	Town.	Cantonment	Rangoon	Bassein	Myaungung.	Prome.	Toungoo.		
1867									
Murder...	2	...	9	8	8	18	2	47	
Culp Homicide ...	...	...	3*	1	3	8	..	15	*Included in 1867 Murder.
1868									
Murder..	4	..	9	7	5	18	4	47	
Culp. Homicide . .	...	..	5	3	2	*2	2	14	

Remarks

57. Over these last Murders and Homicides the Police of course cannot exercise a preventive control. Their duty in nearly all such Cases commences when the Crime has been perpetrated. But in concerted Crimes, their information should be much better than it is now. If it were, culprits would either be seized in the act, or arrested *before* the commission of the crime.

Causes of discontent in the working of the Police.

58. In another place I have noticed some of the causes why the existing system of Police is not so much approved of by the Magistrates as before the formation of the present Establishment. Their responsibility in theory with their actually diminished authority and decreased hold on the working of the Police is one reason.

The irresponsibility of the Police to any but the District Magistrate is another.

Remarks Continued

59. I may add to these that the working of the Code of Criminal Procedure itself, in some degree tends to lessen the hold of the Subordinate Magistrates on the action of the Police in their Sub-divisions of Districts and Townships.

The Schedule attached to the Code for instance prescribes in Column 7 that the investigation of certain offences

shall be confined to certain Courts, but the jurisdiction of the Subordinate Magistrates of the 2nd Class is very much restricted by this column, and in some cases without apparent reason.

By way of illustration, Section 411 does not allow a Magistrate of this Class to investigate a dishonest receipt of stolen property nor Section 414 assistance given in concealing such property. Thus although the actual thief can be tries under Section 379, the man he passes the stolen property ove to, and the man who eventually becomes possessed of it, with a guilty knowledge, are equally exempt from trials by a 2nd Class Subordinate Magistrate.

Cheating also (417) Criminal breach of trust (406) and other comparatively petty offences are not allowed to be taken up by the 2nd Class Subordinate Magistrates, and thus the control of these over the Criminal population is as a matter of course much lessened, they being moreover regarded as responsible to the District Magistrate for the good conduct of their townships. Officers exercising full Magisterial powers also can with advantage be considered as directly Subordinate to District Magistrates.

SECTION VII.

BAD LIVELIHOOD.

Bad livelihood.

59 A. The attention of the District Magistrates was called to the above and to the discouragement of vagabonds and persons of bad character.

Number of cases.

60. The cases dealt with by the Magistrates were as below:—

1867		DISTRICT	1868	
Cases	Persons.		Cases	Persons.
2	2	Rangoon	18	52
5	11	Bassein	18	44
18	31	Myanoung	25	28
22	55	Prome	93	185
9	15	Toungoo	8	16

The increase in the Rangoon District is satisfactory. It is feared that the cases sent before the Assistant Commissioner of Prome, Mr. C. Phillips, are not dealt with as they should be.

The Deputy Commissioner of Prome has been requested to see to this.

Gambling

61. One great cause of Bad livelihood is the prevalence of gambling.

Instead of showing the extent to which this vice prevails the operation of Act III of 1867 rather goes to prevent gambling being efficiently dealt with.

Remarks continued Town of Yandoon

62. In Rangoon *District*, Yandoon and Pegu are the only towns where the Act is in force. "The Deputy Commissioner thinks "that it would be as well to extend it *generally*. Gambling is "carried on extensively by Burmese and the result is they "rob more."

Do Myanoung Deputy Commissioner's Remarks

63. Lieutenant Gower Assistant Commissioner Myanoung, in contrasting 171 cases with 1040 persons brought up in 1867 with 10 Cases and 46 persons only brought up in 1868 says, the "decrease cannot be attributed to any real decrease of the "the crime which is as rife as ever, it is owing entirely to the "Act. Under it onlya Magist rate with full powers or the "Superintendent of Police can issue a warrant and as the Depu- "ty Commissioner was during the year the only full Magistrate "in the District, it was impossible to get warrants to be of "any avail except in a few instances. It is hardly to be doubt- "ed he observes that Gambling is the root of a great deal of "the crime in the Province, it is therefore worthy of considera- "tion whether the law might not be advantageously altered "by allowing any Magistrate to issue a warrant under Act "III. of 1867, in those Towns to which the Act has been or "may be extended."

SECTION VIII.

Concluding Remarks.

Concluding remarks.

64. The Tabular Returns and the accompanying reports of the several District Magistrates have generally entered into detail in explanation of the several classes of crime which have come

up before them, and to those reference is requested to be made when further information is desired than is afforded in this summary.

A few closing remarks are added.

65. The operation of the Stamp Act on the institution of Criminal Suits, does not appear to have had the effect of reducing them.

During the year the Chief Court notified the discontinuance of fees which before the 29th July had been levied under the authority of the Pegu Commissioner's order of the 5th August 1861, in petty Criminal prosecutions by private parties. The discontinuance of the fees it is believed has not been attended with a good effect. Major Duff complains in especial of their discontinuance having led to a reckless subpœning of witnesses in trivial cases.

Increase of Magistrate's Work Rangoon

66. The increase in the Bench work of the Magistrate of Rangoon is noticed, also a recommendation made last year that the Cantonment Magistrate should be made a coadjutor of his and take up Town cases as Joint Magistrate.

Asst Commrs vested with full Magisterial powers noticed

67. I notice with satisfaction that some of the Assistant Commissioners in this Division have during the year been vested with full powers.

Legislation of Local Rules.

68. Also that the Legislative Council has commenced to legalize some of our Local Rules. Much more however remains to be done in this way.

Domestic Servants Act required.

69. The want of a proper Law to regulate contracts between Masters and Domestic Servants is again noticed.

70. The Criminal Court registers of the several District Magistrates except Toungoo have been duly examined by the Commissioner.

Those of the Subordinate Courts as shown in the District Reports.

Gratias

71. The thanks of the Commissioner are due to the several District Officers for the manner in which they have performed their duties.

The following Assistants and Extra Assistants are mentioned with approbation.

Major Munro, Mr St. John, Captain Furlong, Lieut. Evanson, Lieut. Poole,	Assistant Commissioner.
Mr. Perreau, Moung Kyaudoon,	Extra Assistant Commissioner 1st Class.
Moung Tsouk of Mengohoon,	Extra Assistant Commissioner 2nd Class.

72. In submitting this report the support of the Chief Commissioner is desired in all matters connected with the Magistracy during the current year.

Valete et Plaudite.

MEMORANDUM OF SESSIONS TRIALS—1868.

PEGU DIVISION.

I. ARREARS FROM FORMER YEAR.

HOMICIDES.

MYANOUNG DISTRICT.

Crime committed 13th October 1867.

1, 37 of 1867. A case of alleged infanticide of an illegitimate child by its mother—the father of the infant, being its mother's son-in-law

The accused was acquitted.

PROME DISTRICT.

Crime committed 13th September 1867.

2, 38 of 1867. This was a case in which the Razawoot Goung of a village, who had made himself obnoxious to bad characters was murdered by a party of Dacoits, in the course of an attack on two houses in the village. Of four prisoners—one was sentenced to transportation for life, and 3 to 10 years.

BASSEIN DISTRICT.

Crime was committed 16th November 1867.

3 39 of 1867 A case of fratricide, in the heat of a quarrel. The blow which killed deceased was inflicted with a piece of firewood.

The culprit was sentenced to rigorous imprisonment for 2 years.

DACOITIES, ROBBERIES, &c.

PROME.

Crime committed 8th July 1867.

1 35 of 1867 Lurking House trespass by night, 4 persons severally sentenced to imprisonment for 3 years.

PROME.

Crime committed 2nd November 1867.

DACOITY AND RECEIPT OF STOLEN PROPERTY.

$\frac{2}{36 \text{ of } 1867}$ There were 9 persons committed of whom I was acquitted and the others sentenced 2 to 7 years, and the other to 5 years rigorous imprisonment.

II. CASES OF CURRENT YEAR 1868.

HOMICIDES

PROME DISTRICT.

Crime Committed 20th November 1867.

MURDER OF MEE-WAH-BYOO BY NGA PAN.

$\frac{1}{2 \text{ of } 1868}$ The culprit went up at night into the house of the deceased and when discovered demanded money. Being told he was recognized, he inflicted 8 wounds with his knife on the woman who died ten days after. He was capitally sentenced and executed at Prome on the 22nd February.

PROME DISTRICT.

Crime Committed 25th December 1867.

$\frac{2}{6 \text{ of } 1868}$ This was a very bad case of Dacoity with Murder.

A Gang of 18 men headed by one Nga To called the Phongyee Bo, went from the village of Gwey-ghyoung-bouk in the Toungoo District, and after several days march reached the village of Mee Wa Gon in Prome District, which they attacked and gutted. Two old men were speared, of whom one died the same night.

The Dacoits were tracked to their village and three of them were got hold of, of whom one escaped, another was admitted as approver, and the third committed for trial. He was found guilty—capitally sentenced and executed on the 23rd March 1868.

PROME DISTRICT

Crimes Committed 27th March 1867, *and 8th May* 1867.

3 & 4 / 3 and 7 of 1868

Nga Shwè Htsing and Nga Shwè Hlyne, two of the Poungday Gang of Dacoits charged with abetting murder and attempt at murder. Found guilty

The life of Nga Hlyne had been guaranteed to him by the Assistant Commissioner of Poungday on the part of Government, capital punishment was therefore not passed on either. But they were sentenced to suffer transportation for life.

PROME DISTRICT (THAYETMYO.)

Crime Committed 13th July 1867.

5 / 6 of 1868

In this case the accused was convicted of being one of the Gang of Dacoits, which attacked the village of Konley in the Thabulla Circle, Myayday, and plundered it of cattle and other property. In the course of the Dacoity one of the villagers was shot and mortally wounded.

The trial had to be postponed owing to some of the evidence being in Upper Burma. The accused was sentenced to 10 years transportation.

PROME DISTRICT, (THAYETMYO)

Crime committed 29th August 1867.

A party of silk porters were fired at by robbers in the Nga-mway-zin jungul and one of them shot.

The prosecution broke down from the approver having perjured himself, and the accused two in number were released.

MYANOUNG.

Crime committed 19th February 1868.

7 / 10 of 1868.

Two brothers quarrelled—one called the other a leper—In the heat of passion the other struck him with his dah and killed him.

He was transported for life.

MYANOUNG.

Crime committed 19*th February* 1868.

In a drunken squabble in a toddy shop a man was stabbed. Of three persons charged, one was convicted of Culpable Homicide, one of abetment, and the third of causing evidence to disappear The two former were sentenced to 7 year's transportation, and the last with one year's rigorous imprisonment

8
13 of 1868

PROME DISTRICT, (THAYETMYO.)

Crime committed 13*th January* 1868.

A gang of 12 Dacoits lay in ambush and attacked a party of Shan traders in the jungul near Myouk-kyoit village, in the Bambin Circle, Thayetmyo Township. The leader one Nga Phaw shot one of the Shans, who subsequently died in Hospital

9
15 of 1868

Of the 12 Robbers, the leader and 3 others escaped, 3 were admitted as approvers, and of the five remaining, two received a sentence of 8 years and three of 7 years transportation

PROME DISTRICT, (THAYETMYO)

Crime committed 16*th March* 1868.

The house of one *Nga Shwè Lop*, in the Village of Shwè Ban daw, Myayday Township, was attacked by Dacoits, and the house owner killed

10
16 of 1868

One Nga Shwè Lay, who was said to bear the deceased's father a grudge, was accused of having been the actual murderer The evidence was doubtful and the man was acquitted.

Another person convicted of having taken part in the Dacoity was sentenced to transportation for life.

BASSEIN DISTRICT

Crime Committed 9*th April* 1868.

One Mee Oñ, residing at *Kyoon Gon*, a Bazaar girl, was found murdered with her throat cut in the Wav doung gueng, whither she

11
19 of 1868

had gone the previous day. *Nga Wet Shoke* a youth who had been paying her attention was suspected and sent up for trial. The evidence to establish his guilt was inconclusive, and he was acquitted.

BASSEIN DISTRICT.

Crime Committed 4th June 1868.

$\frac{12}{20 \text{ of } 1868}$ A man and his wife quarrelled and separated. He wished for her company again and she repelled him, on which he cut her down and killed her.

He was capitally sentenced and executed on the 13th January 1869.

PROME DISTRICT (THAYETMYO.)

Crime Committed 13th August 1868.

$\frac{13}{21 \text{ of } 1868}$ (A pending trial case.)

MYANOUNG DISTRICT.

Crime Committed 30th June 1868.

$\frac{14}{22 \text{ of } 1868}$ This was a savage murder committed at the village of Htandaw.

Nga Shwè Ya the accused demanded 4 annas from the deceased Nga Shwè Lay, and on not being given it, he rose on him, cut him down with his dah, and killed him in a brutal way with several blows, one of which lopped off his arm and another nearly decapitated him. He was capitally sentenced, and executed on the 31st December 1868.

RANGOON DISTRICT.

Crime Committed 31st July 1868.

$\frac{15}{25 \text{ of } 1868}$ This case (of murder) arose out of a matrimonial squabble in which the deceased sister of the Prisoner's wife took part. She went and slapped her brother-in-law's face.

This was not immediately resented, but when the deceased went a second time to her sister's in consequence of some abusive language, the Prisoner set on her with his dah, and cut her down inflicting 4 wounds which killed her. He was capitally sentenced and executed on the 1st August 1868.

RANGOON DISTRICT.

Crime Committed 22nd August

16
25 of 1868

Mee Khyo lived unhappily with her husband, who was a spend-thrift and a brute. To free herself she cut off his head while he slept and dragging his body to a creek threw it in, also the head. The body having been found floating about the creek, gave occasion to police enquiry which resulted in the crime being brought to the door of the accused who was capitally sentenced and executed on the 25th September.

RANGOON DISTRICT.

Crime Committed 13th September 1868.

17
26 of 1868

Another Case of murder originating in an unhappy relationship between husband and wife. In this instance, after separation the husband got jealous of her being paid attention to by another person. He watched for her, and finding her leaving the boat of the person he suspected, he ran after her and stabbed her to death.

He was capitally convicted and executed on the 26th October 1868.

MYANOUNG DISTRICT.

Crime Committed 16th August 1866.

18
27 of 1868

Murder of a wife by her husband while laboring under aberration of intellect.

(NGA HMWAY'S CASE.)

There was no apparent cause for the Murder. The couple who were fond of each other spent the most part of the day in bed under their musquito curtains, and the same night the prisoner killed her in bed, by cutting her throat with a dah.

He was placed under Medical observation for a long while. When tried he was found to have committed the Murder, but acquitted on the ground of insanity at the time.

RANGOON DISTRICT.

Crime Committed 11th May 1868.

Nooyounglabyee.

19
30 of 1868

One Shan Shoon had a squabble with Mee Min Tha who objected to be called his sweetheart. The relations of the girl appear to have aggravated him by taking part in the dispute. He puts an end to it by cutting down Ma Min Tha with his dah, and wounding her, but not mortally. As his evident intention was to kill her, he was sentenced to transportation for life.

BASSEIN DISTRICT.

Crime Committed 19th October 1868.

20
31 of 1868

The accused struck the deceased in the course of a free fight arising out of a gambling quarrel in which a number of villagers took part. Deceased recovered so far as to be able to walk to his mother's village ; but got a relapse and died.

The accused was convicted of Culpable Homicide, but sentenced to only 6 months rigorous imprisonment.

PROME DISTRICT.

Crime Committed 14th October 1868.

21
32 of 1868,

(A pending trial case.)

BASSEIN DISTRICT.

Crime Committed 10th November 1868.

22
33 of 1868

In this case of Homicide the deceased was a thief. He had been seen stealing from the house. Accused the house owner was told. He took his dah and stalked the thief. What happened is not known further than that the thief was killed by the house owner, with his dah. Taking the house owner's account to be the true one, viz : that the thief turned on him and struck at him, before he slew him—he was sentenced to only 1 month's imprisonment with labor,—the facts shown not allowing of the Homicide being considered as "justifiable."

RANGOON DISTRICT.

Crime Committed 9th December 1868.

$\frac{23}{34 \text{ of } 1868}$ In the course of a quarrel a son-in-law was struck by his father-in-law on the head with a rice pounder—fracturing his skull. The parties all went before the Extra Assistant Commissioner at Twantay, but the son-in-law died in 5 days time. A punishment of one year's hard labor was inflicted.

TOUNGOO DISTRICT.

Crime committed 17th November 1868.

$\frac{24}{35 \text{ of } 1868}$ (A pending trial case.)

PROME DISTRICT.

Crime committed 29th October 1867.

$\frac{25}{36 \text{ of } 1868}$ A pending trial case.

PROME DISTRICT.

Crime committed 6th August 1868.

(A pending trial-case.)

26.
37 of 1868.

DACOITY CASES.

No.	No. of Cases.	District.	Crime committed.	Persons. Acquitted	Persons. Convicted	Sentence.
1	1 of 1868.	Prome.	19th Oct. 1867	3	0	Acquitted also of rape and belonging to a gang of Dacoits.
2	4 do do	do.	4th May 1867	0	1	Transportation for life
3	6 do do	do.	26th Dec. 1866	0	0	Struck off as already transported for life in another case.
4	11 do do	Myanoung	18th Feb. 1868	3	1	Five years' rigorous imprisonment.
5	12 do do	do.	9th April 1867	1	0	Acquitted.
6	14 do do	Prome.	26th Dec. 1866	0	1	Transportation for life.
7	17 do do	do. T.	29th Feb. 1868	0	2	Transportation for eight years.
8	24 do do	do.	22nd July do.	0	0	Pending.
9	28 do do	Bassein	20th April do.	1	13	2 Transportation for life. 11 Do. for 7 years.
10	29 do do	Prome.	14th July do.	0	0	Pending.

ABSTRACT.

	Homicides.	Dacoities.	Perjury.	Total.
Old cases 1867 ...	3	2	0	5
Cases ... 1868 ...	26	10	1	37
Total...	29	12	1	42
Decided...	24	10	1	35
Pending...	5	2	0	7

REPORT

OF THE

SESSIONS JUDGE OF TENASSERIM.

For 1868.

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SECTION III.

1. The following Criminal Statements are submitted with this Report.

A.—Abstract Statement of Criminal Cases brought to trial and disposed of.

B.—Statement showing the duration of Cases and detention of Witnesses.

C.—Statement of Criminal Justice in Magistrates' Courts.

D.—Statement showing the Criminal Cases, Sessions and Appeals brought to trial and disposed of by the Commissioner.

Whipping Cases and Appeals under Act VI of 1864. Returns A, B & C.

Sessions Judge Statements Nos. I to VII.

District Magistrates' Statements Nos. I to VIII

5 Annual Criminal Reports in original from District and Town Magistrates.

2. Colonel D. Brown was Sessions Judge of this Division from 1st January to 10 February 1868.

3. Lieut-Colonel E. M. Ryan was Officiating Sessions Judge from 11th February to 31st December 1868

AMHERST DISTRICT.

4. The Office of Magistrate of this District was held by Captain Horace A. Browne, Deputy Commissioner, for the whole year.

5. The following Officers were Subordinate Magistrates. Mr. G. E. Barr, Assistant Commissioner, Maulmain, with full powers of a Magistrate for the whole year.

Mr. C. J. F. S. Forbes, Assistant Commissioner, Martaban Sub-division, for the whole year, with full powers of a Magistrate from 16th September to 31st December 1868. Captain G. E. Fryer, was Assistant Commissioner, Amherst Sub-division, from 22nd September to 31st December 1868. Moung Byaw, Extra Assistant Commissioner 1st Class 2nd Grade, for the whole year.

6. Eleven Extra Assistant Commissioners with powers of a Subordinate Magistrate, 2nd Class.

MAULMAIN TOWN.

7. The Office of Magistrate was held by Mr. J. K. Macrae from 1st January to 11th December, and by Mr. G. E. Barr from 12th to 31st December 1868.

TAVOY DISTRICT.

8. The Office of Magistrate was held by Lieut-Colonel G. Faithfull throughout the year.

9. The Assistant Magistrates were as follows:—

Moung Shwè Kyee, Extra Assistant Commissioner 2nd Class 1st Grade.

Moung Shwè Go, Extra Assistant Commissioner 5th Class 1st Grade.

Moung Shwè Hlau, Do Do.
4th Class 1st Grade.

Moung Shwè Att, Do. Do.
3rd Class 2nd Grade.

Mergui District

10. The undermentioned Officers exercised Magisterial powers in this District during the year under review.

11. Mr. T Shepherd, Deputy Commissioner 2nd Grade.

Moung Shwè Go, Extra Assistant Commissioner 5th Class 2nd Grade.

Moung Htoon Oung, Extra Assistant Commissioner 5th Class 3rd Grade.

Moung Tsain Ngyo, Do. Do. 5th Class 4th Grade.

Shwè-Gyeen District.

12. The Magistrates and Assistant Magistrates, during the year, were Captain G. A. Strover up to the 6th January 1868. Mr. C. J. F. S. Forbes, from 7th January to 6th February in charge of the Deputy Commissioner's Office, and Captain C. E. Watson, Magistrate of the District, from the 7th February to the end of the year.

13. Messrs. H. Buckle and A. Hough were Assistant Commissioners of Yoonzaleen and Sittang respectively throughout the year.

14. Extra Assistant Commissioner, Moung Shwè Ngyaing for the whole year.

15. Extra Assistant Commissioners, Moung Taw Moung, Shwe Bwen, Moung Hmat, Moung Wet-galay and Moung Kya-myo were in charge of the Kyouk-Kyee, Shwè-Gyeen, Sittang, Beeling and Yoonzaleen Townships respectively, throughout the year.

16. The following Comparative Statement shows the number of persons brought to trial in the several Districts including Maulmain Town, and the result of the proceedings as compared with the previous year.

Districts	Years.	No. of persons brought to trial	No. Committed	No. Convicted.	No. Acquitted	Died.	Escaped.	Transferred	No. Pending.
Amherst ..	1868	1,932	22	887	979	3	1	4	36
	1867	1,845	29	760	980	5	0	1	70
Maulmain ..	1868	3,900	16	2,480	1,355	0	0	0	49
	1867	2,885	4	1,804	1,074	1	2	0	0
Tavoy ..	1868	468	1	288	172	0	0	0	7
	1867	417	2	301	110	0	0	0	4
Mergui	1868	581	1	439	141	0	0	0	0
	1867	504	1	397	105	0	1	0	0
Shwè gyeen	1868	1,315	3	765	525	0	0	0	22
	1867	1,192	4	588	586	0	5	0	9
Total	1868	8,196	43	4,859	3,172	3	1	4	114
	1867	6,843	40	3,850	2,855	6	8	1	83

17. Compared with the previous year, the number of persons brought to trial was 1,353 more. The increase appears chiefly in Maulmain Town in petty offences such as Assaults, Gambling, Seamen's cases under Act I of 1859, and Breach of Local Rules. Out of 8,196 persons brought to trial 4,902 were convicted or committed; the proportion of convictions (including commitments) to the number brought to trial being 59 per cent as compared with 55 per cent of the previous year.

Amherst District.

18. In this District there were for trial during the year 1 199 cases involving 1,932 persons, of this number 22 were committed, 887 convicted, 979 acquitted, 3 died, 1 escaped, 4 transferred and 36 pending at the close of the year. The proportion of convictions and commitments to the number on trial, is 47 per cent against 41 of the previous year.

19. Captain Browne in his report states that among the Non-bailable offences and of offences punishable under Local and Special laws, there are none that appear to call for re-

mark except those of Bad livelihood, Breach of the Excise Laws and Gambling.

20. He states: "The number of arrests and convictions "for Bad livelihood has considerably increased during the "past year."

* * * * * *

"In Abkaree cases there has been a considerable de- "crease both in the number of cases and persons tried.

* * * * * *

"Of the persons tried in 1868, 38 were convicted and 42 "acquitted. The decrease in the number of Abkaree cases is "no doubt owing to the provisions in the new Abkaree Rules "allowing a person to have five tolahs of Opium in his pos- "session at one time instead of only one tolah as before."

"The experience of the past year shows that this altera- "tion in the Rules is likely to have a most pernicious effect "in this District. * * * * *

"With these remarks of Mr. Forbes the Deputy Com- "missioner fully agrees, the knowledge he has obtained of "this District during the year that he has been in charge of "it has convinced him that the gradually increasing use of "opium by the indigenous population is a most alarming evil, "which requires to be combated with stringent measures.

"It is notorious that the drug affects the constitution of "a native of this country much more powerfully than that of "a Chinaman. In ninety nine cases out of a hundred in this "country the habit of opium eating or smoking produces "moral and physical ruin."

"The epithet "Opium eater" here is synonymous with "Badmash" in India. Unless something is done to check "the evil, the well being of the people and ultimately, the "Government Revenue will be seriously imperilled. It ap- "pears to be a matter of regret that now that the Abkaree "Rules in their present form have been stereotyped as it were "by a Legislative Act, it will not be possible to obtain any al- "teration in them so easily as before."

"In 1868 there were 29 persons brought up in 27 cases for "the offence of Public Gambling, punishable under Act III "of 1867. Of these 25 persons were convicted and 4 acquit-

"ted with regard to the vice of gaming which like that of "opium eating is the prolific source of much crime, the De- "puty Commissioner would beg to reiterate the substance of "the remarks already submitted by him in his letter No. 96 "dated 26th November last and No. 103 dated 21st Decem- "ber last."

"It was in those letters brought to notice that the state &c. "of the law with regard to gambling "since the passing of Act III of 1867, instituted "an Act for "the punishment of public Gambling and the keeping of com- "mon gambling houses in British Burma &c." The title would "perhaps have more accurately described the effect of the Act "had it run thus—"An Act for the punishment of public "Gambling and *(for)* the keeping of common gaming houses "(outside the large towns) in British Burma."

"Previous to the introduction of this Act gambling was "effectually dealt with in a manner analagous to that in which "it appears to have been dealt with in the Regulation Pro- "vinces of India. In those provinces there being no specific "enactment in the Regulations against Gambling, the Ma- "gistrates under a construction of the Sudder Court dealt "with such cases under the Mahomedan law, by which Gam- "bling was punishable upon the principle, it is presumed, "that in a conquered country until the ancient laws are al- "tered by the conquerort hey remain in force, so in this Dis- "trict as long as there was no specific Act on the subject, the "Courts treated Gambling Cases as punishable under the "common law of the country, there being no doubt that un- "der native rule here public Gambling without licenses was "punishable."

"This of course left a good deal to the discretion of the "Magistrate, but in a country like this where the people are "so readily lead away by the excitement of gambling, and "part so freely with their money it was found to be abso- "lutely necessary for the prevention of more serious crime "that a check should be put to the practice of keeping com- "mon gaming houses which always become schools for "thieves, and receptacles for stolen property—since the in- "troduction of Act III of 1867, however, gambling can be "dealt with only under that Act."

"In large towns to which only the whole of the Act "(under Section 2nd) can be extended, its provisions are as "effectual as could be desired, but beyond those limits it "confers absolute impunity on the keepers and frequenters "of common gaming houses, providing for the punishment "only of such persons as shall be found gaming on a public "place. This change in the law is now becoming well "known to the people and full advantage is taken of it. No "one of course, is now so foolish as to gamble on a public "place where he might be arrested when he can do so much "more comfortably in a house from which he can laugh at "the Police and the Magistracy."

"The new law is highly popular with the criminal and "doubtful classes of the population, but numerous complaints "have been received from the respectable residents of the "Districts of the bad effect of the unlimited gambling which "now goes on especially at "Pwais" and other large gather-"ings of people."

"In many of the larger villages gaming houses are con-"stantly open, and hardly a feast can be given without some "one opening a gaming house, for the time, in the vicinity. "These places attract the bad characters of the neighbour-"hood and frequently seduce young and foolish individuals "among the otherwise respectable portion of the community "into the habit of gambling, much to the grief of their "friends and relatives who have urged that such a state of "things should not be allowed to exist."

"But without a change in the law nothing effectual can "be done towards stopping the gambling which is now be-"coming rife in the District and which will inevitably lead to "an increase of crime."

21. I fully concur in the above remarks concerning gambling, and think that some alteration in the law is much required which would enable Magistrates to repress gambling not merely in public places but generally throughout their Districts.

Maulmain Town.

22. Of 3,851 persons tried before the Magistrate of this place, 2,480 or 64 per cent were convicted, 1,355 or 35 per cent acquitted and 16 committed to the Recorder's Court—

as compared with the previous year there was an increase of 1,015 persons brought to trial during the year—the increase is chiefly in cases of Assault, Gambling, Seamen's Cases and Breach of Local Rules.

Tavoy District.

23. Out of 468 persons under trial in Tavoy District, 288 were convicted, 1 committed, 172 acquitted, and 7 persons remained pending at the close of the year. The proportion of convictions to the number on trial is 61 per cent in the year under review, against 72 per cent in 1867.

Mergui District.

24. In this District there were for trial during the year 581 persons, of these 439 or 75 per cent were convicted, 141 or 24 per cent acquitted, and 1 committed to Session's Court.

Shwe Gyeen District.

25. Of the number under trial in the Shwè Gyeen District, 765 persons were convicted on trial, 525 acquitted (including complaints withdrawn) 3 committed to Sessions; leaving 22 persons pending at the close of the year. In this District the return shows an increase of 123 persons brought to trial.

26. On this subject the Deputy Commissioner, Captain Watson, reports;

"The great increase in the crime of Dacoity is entirely "owing to an abnormal state of affairs on the Frontier, conse- "quent to the sudden flight of the Mengone Prince, whereby "a portion of his army as well as of that of his opponents "have been thrown out of employ. Many of these men are "outlaws unable to return to their homes. Moreover dif- "ferences have lately arisen between the Karennee Chiefs, "the semi-independent Shan Tsawbwahs nominally tributary "to Zimmay, and the Chief of Hmineloongyee. Bands of Da- "coits have consequently roamed at pleasure along the Sal- "ween between the Kaimaypyoo Choung and Dhagwinsike, "more usually plundering on the Eastern side, but occasionally "crossing over to British Territory. Without the co-opera- "tion of the neighbouring Chiefs it is simply impossible to "check the inroads of these marauders who are always able "to recross into Foreign Territory, before the Police even

"hear of their attacks. Of the 12 Dacoities committed, 4
"were attended with murder, 10 were committed on the Yoon-
"zaleen, 1 in the Shwè Gyeen and 1 in the Sittang Sub-divi-
"sion. The gangs in every instance consisted of Shans and
"Karennees. No men of the District were concerned."

"267 persons were prosecuted for gaming under Act III
"of 1867, which is in operation in only 4 Towns of this Dis-
"trict, the extension of this Act to British Burma has
"doubtless encouraged, rather than checked this offence.
"Formerly gambling was prohibited everywhere, whereas
"now, people assemble in closed houses in the large villages
"and outskirts of the Towns, and gamble to their heart's
"content."

27. With reference to the remarks of the Deputy Commissioner concerning Dacoities, I may observe that latterly there has been a large increase of Police sanctioned by the Chief Commissioner to guard the North East Frontier of this Division, and I trust that the measures now being adopted by the Deputy Commissioner, Captain Watson, will put a stop to the numerous Dacoities reported from that locality.

28. The diary of attendance of Witnesses as compared with the year 1867 is given below :—

Districts.	Years.	1 Day.	2 Days.	3 "	4 "	5 "	6 "	7 "	8 "	More than 30 days.	
Amherst	1867	1930	86	48	9	6	2	2	2	...	2085
	1868	2279	121	25	25	33	7	7	20	...	2517
Maulmain	1867	2640	425	198	69	65	8	7	..	...	3412
	1868	2598	385	416	77	30	4	...	...	...	3510
Tavoy	1867	740	66	10	12	...	...	...	...	...	828
	1868	858	19	5	...	...	...	...	...	...	882
Mergui	1867	968	101	21	7	2	...	...	...	...	1099
	1868	944	19	3	4	...	...	...	...	...	970
Shwè-Gyeen	1867	903	342	105	25	7	..	...	...	2	1384
	1868	1659	116	23	7	1	...	...	...	...	1806
Total	1867	7181	1020	382	122	80	10	9	2	2	8808
	1868	8338	660	472	113	64	11	7	20	...	9685

29. The above figures show that there were 9685 witnesses in attendance before the several Courts in this Division during the year, giving an increase of 877 witnesses when compared with the number in the year previous.

AMHERST DISTRICT.

30. The Return of this District shows a considerable increase in the work performed by the several Courts as regards the examination of witnesses. The increase being chiefly in the Courts of the Deputy Commissioner, and Assistant Commissioner of Thatone. In the Court of the Assistant Commissioner Maulmain there has been a slight decrease, the number in 1868 being 430 only against 506 in 1867. In the Deputy and Assistant Commissioners' Courts no witnesses were detained more than 3 days, and in the Extra Assistant Commissioners' Courts none more than 8 days.

MAULMAIN TOWN.

31. The attendance of witnesses in the Magistrate's Court, Maulmain, shows that out of 3,510 witnesses 2,598 were discharged the 1st day, 385 on the 2nd day, 416 on the 3rd day, 77 on the 4th day, 30 on the 5th and only 4 on the 6th day, which was the maximum detention before this Court.

TAVOY DISTRICT.

32. The daily attendance of witnesses in the Tavoy Magistrate's Court shows that 127 witnesses were discharged the 1st day, and 18 on the 2nd day. Of 400 witnesses before the Extra Assistant Commissioner 2nd Class, all were discharged on the 1st day. Before the Courts of the Extra Assistant Commissioners' 3rd Class, 331 witnesses were detained one day, 1 two days, and 5 three days. The maximum detention of witnesses before the Magistrate was 2 days, before the Extra Assistant Commissioner 2nd Class 1 day, and before the Extra Assistant Commissioners' 3rd Class 3 days.

MERGUI DISTRICT.

33. 970 witnesses were in attendance before the several Courts of this District during the year, and their detention was as follows:—

944 were detained 1 day.
19 „ „ 2 days.
3 „ „ 3 days,
4 „ „ 4 days.

SHWE-GYEEN DISTRICT.

34. The return for this District shows 473 witnesses in attendance during the year, 441 of whom were discharged on the 1st day, 25 in 2 days, 3 in 3 days, and 4 in 4 days. In the Court of Assistant Commissioners' 353 witnesses attended, of whom 308 were detained the 1st day, 36 the 2nd day, 1 the 3rd day, 1 the 4th day and 7 the 5th day. In the Extra Assistant Commissioners' Courts out of 632 witnesses, 599 were discharged on the 1st day, 20 on the 2nd day, 11 on the 3rd day, and 2 only on the 4th day.

35. The above Statement shews that there was no unnecessary detention of witnesses and speaks most favorably for all the Officers concerned.

36. The duration of cases in the Courts of the several Districts of this Division during the year under review as compared with the previous year is as follows:—

Districts.	1867.			1868.		
	No. of cases.	Total No. of days.	Average duration of days	No. of cases	Total No. of days.	Average duration of days.
Amherst	1,116	8,493	7	1,197	9,239	7½
Maulmain	1,396	3,082	2	1,510	3,733	2
Tavoy	214	1,161	5	261	1,492	5½
Mergui	296	705	2	378	934	2
Shwè-Gyeen	659	2,582	4	769	2,714	3½
Tenasserim Division ...	3,681	16,023	4	4,115	18,112	4

37. The average duration of cases in the Tenasserim Division was the same for both years—the greatest delay was in the Amherst District where it was 7½ days, the next in Tavoy

where the average was 5½ days, in Shwe-Gyeen 3½ days, Maulmain and Mergui each give an average of 2 days. The result is very satisfactory.

38. The committals, convictions and acquittals in heinous crimes, or Non-bailable offences as exhibited in Statement C. comparatively for the years 1867 and 1868 are shewn below:—

Districts.	Years.	Committed.	Convicted.	Acquitted.	Total.
Amherst	1867	28	262	280	570
	1868	19	272	321	612
Maulmain	1867	4	180	75	259
	1868	14	132	59	205
Tavoy	1867	2	53	14	69
	1868	1	59	18	78
Mergui	1867	1	40	2	43
	1868	1	43	7	51
Shwè-Gyeon...	1867	4	190	44	148
	1868	3	132	36	171
Total	1867	39	635	415	1,089
	1868	38	638.	441	1,117

39. The above table shows that in the year of review 638 persons were convicted, 441 acquitted, and 38 committed; the proportion of convictions (including commitments) to the number tried (1,117) being 60 per cent as compared with 62 per cent of the previous year.

40. The result of Appeals and Commitments to the Court of Sessions is as follows :—

Districts.	Criminal Appeals.				
	Rejected.	Confirmed.	Reversed.	Modified.	Total.
Amherst	...	10	3	3	16
Maulmain	...	6	...	...	6
Tavoy	...	1	...	3	4
Mergui	...	6	...	...	6
Shwè-Gyeen	...	5	...	2	7
Total ...	....	28	3	8	39

Commitments.

Districts.	Convicted.		Referred to Chief Court.		Acquitted.		Total.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
Amherst	11	21	1	1	2	2	14	24
Maulmain	0	0	0	0	0	0	0	0
Tavoy	0	0	1	1	0	0	1	1
Mergui	1	1	0	0	0	0	1	1
Shwé-Gyeen ...	2	2	0	0	0	0	2	2
Total	14	24	2	2.	2	2	18	28

41. From the above Abstract it will be observed that there were 39 Criminal Appeals disposed of in 1868 against 44 in 1867. Of the 39 Appeals 28 or 72 per cent were confirmed, and 11 or 28 per cent revised or modified.

42. With regard to the commitments the result is very favorable to the Magistrates; in 14 cases 24 persons were convicted: in 2 cases, 2 persons were referred to the Chief Court;

and in 2 cases 2 persons were acquitted. In the 2 cases referred to the Chief Court the prisoners were sentenced to suffer death which were confirmed by the Chief Court.

AMHERST.

43. From the orders of the Deputy and Assistant Commissioners of this District 17 Appeals were preferred, of these 10 were confirmed, 3 modified and 3 reversed. The result is favorable to the officers.

MAULMAIN

44. From the orders of the Town Magistrate 6 Appeals were preferred under Local Laws, all of them were confirmed. The result is very favorable.

TAVOY.

45. From the orders of Lieut-Colonel G. Faithfull, Deputy Commissioner, only 4 Appeals were preferred, 1 confirmed and 3 reversed. The result is not favorable to that officer.

MERGUI.

46. From the orders of Mr. Shepherd, Deputy Commissioner, 6 Appeals were preferred in which his orders were all confirmed. The result is very satisfactory.

SHWE GYEEN

47. There were 7 Appeals from the orders of Captain Watson, Deputy Commissioner, of which 5 were confirmed and 2 modified. The result is favorable to that officer.

48. The result of Appeals from the orders of all the Assistant Magistrates preferred to the District Magistrates was as follows:—

DISTRICTS	Rejected	Confirmed.	Reversed	Modified
Amherst	5	10	6	5
Maulmain	0	0	0	0
Tavoy	1	2	4	1
Mergui	0	10	5	2
Shwé-Gyeen	0	9	6	6
Total ...	6	31	21	14

49. The following remarks made by District Magistrates on Criminal Appeals preferred to their Courts are quoted below:—

AMHERST

"The number of Criminal Appeals has increased considerably during the past year, the number having been 30 in 1868 against 18 in 1867. The result of the Appeals in 1868 was more favorable to the decisions of the Town Courts than in 1867, for whilst in 1867, only five out of the 18 decisions appealed against were confirmed, in 1868 15 out of the 30 decisions appealed against were upheld."

"In 1867 eleven decisions were reversed, and in 1868 six were reversed and five modified. The only Judges whose decisions have been absolutely reversed are Moung Khyeit, Extra Assistant Commissioner, Martaban, and Moung Shwè Ey, Extra Assistant Commissioner of Zeya."

SHWE-GYEEN

"The result of Appeals to the Magistrate of the District is shown below. The result is on the whole not very satisfactory; more especially so with regard to Extra Assistant Commissioners, Moung Taw and Moung Shwè Bwen."

	Rejected.	Confirmed	Reversed.	Modified.	Returned for reinvestigation or revision.
Mr. H. Buckle Asst. Commissioner Yoonzaleen	...	2	1	...	...
Moung Byau Extra Asst. Comr. 1st Class Sittong	...	...	...	2	...
„ Nyaing „ „ „ 2nd. „ Shwè Gyeen	...	1	...	..	...
„ Tau „ „ „ „ „ Kyouk Kyee	...	2	2	...	...
„ Vetglay „ „ „ „ „ Bee Ling	...	1	...	2	...
„ Hmat „ „ „ „ „ Sittang	...	2	1	1	...
„ Shwè Bwen „ „ „ „ Shwè Gyeen	...	1	2	1	...
Total ...	...	9	6	6	...

50. The total amounts of Fines imposed and realized in each District during the year as compared with the previous year were as follows:—

STATEMENT.

DISTRICTS.	Amount Imposed.	Amount Realized.
Amherst	22,073 8	10,192
Maulmain	22,724 ..	14,860 2
Tavoy	6,272 ...	2,367
Mergui	4,349 12	3,539 12
Shwé-Gyeen	6,687 4	4,536
Total 1868	62,106 8	35,494 14
Do 1867	57,868 1	42,180 6
Increase	4,238 7	
Decrease		6,685 8

showing on the whole an increase of Rs. 4,238-7-0, in the amount of fines imposed, and a decrease of Rs. 6,685-8-0, in the sum realized. Rupees 4,682-14-8 was ordered to be paid in compensation during the year under Section 44 of the Criminal Procedure Code of which sum Rupees 3,626-6-8 were realized.

51. The proportion of persons brought to trial for Non-bailable and Bailable offences to population is given below.

DISTRICTS	Proportion of persons brought to trial for Non-bailable offences to population.	Proportion of persons brought to trial for Bailable offences to population.
Amherst	1 to 255	1 to 122
Maulmain	1 to 320	1 to 17
Tavoy	1 to 925	1 to 185
Mergui	1 to 848	1 to 81
Shwé-Gyeen	1 to 769	1 to 115

52. The following Statement exhibits the number of adults and juvenile offenders punished under Whipping Act VI of 1864.

Districts	Adults	Juveniles
Amherst	2	
Maulmain	11	1
Tavoy		
Mergui	5	
Shwé-Gyeen	3	
Total	21	1

53 The above shews a decrease of 2 in adults and 8 in juveniles as compared with the previous year There were no Appeals preferred from orders passed under the Whipping Act

54 The following return gives the number of cases and persons charged under sections 295 96 of the Criminal Procedure Code and the number convicted in each District and the Town of Maulmain, during the year as compared with 1867

Bad livelihood Section 295 96 Criminal Code of Procedure —

DISTRICTS		No of cases brought to trial	No of persons brought to trial	No of persons convicted
Amherst	1867	14	33	14
	1868	37	71	52
Maulmain	1867	24	39	33
	1868	17	19	12
Tavoy	1867	1	2	2
	1868	0	0	0
Mergui	1867	4	4	4
	1868	0	0	0
Shwé-Gyeen	1867	5	11	4
	1868	6	7	7
Tenasserim Division	1867	48	89	57
	1868	60	97	71

55. It will be observed from the above return that the largest number of persons charged with Bad-livelihood was in the Amherst District, in which 52 persons or 38 more than the previous year were convicted under the provisions of Sections 295-96 of the Criminal Procedure Code.

56. In the Town of Maulmain the number of convictions for Bad-livelihood were 12 persons against 33 in the year previous; it does not appear that this provision of the law has been sufficiently enforced in the Town of Maulmain.

57. In Tavoy and Mergui Districts no cases have been tried under Sections 295-96 of the Code of Criminal Procedure. These Districts are very free from crime and there are fewer bad characters residing therein.

58. In the Shwè-Gyeen District 7 persons were convicted against 4 in the previous year. The Magistrates of the Districts appear to have applied the provision of the law on this head more vigorously than in former years. Had Subordinate Magistrates jurisdiction in such cases, people of bad character and having no ostensible means of subsistence would be better looked after.

59. The statistics of crime under the heads "Dacoity" and "Robbery" in each District of this Division during the years as compared with 1867 were as follows:—

Districts.		Dacoity.			Robbery.		
		No. of cases brought to trial.	No. of persons brought to trial.	No. of persons convicted including committals.	No. of cases brought to trial.	No. of persons brought to trial.	No. of persons convicted.
Amherst	1867	12	25	15	8	34	3
	1868	11	23	16	7	19	4
Maulmain ...	1867	0	0	0	4	6	3
	1868	1	6	6	2	7	0
Tavoy	1867	0	0	0	2	3	1
	1868	0	0	0	0	0	0
Mergui	1867	0	0	0	0	0	0
	1868	0	0	0	0	0	0
Shwé-Gyeen ...	1867	0	0	0	1	1	1
	1868	0	0	0	1	2	2
Tenasserim Division	1867	12	25	15	15	44	8
	1868	12	29	22	10	28	6

The above table shews that during the year under review Dacoity cases brought to trial is the same as the previous year, whereas Robbery has decreased by 5 cases.

60. On the working of the new Stamp Act XXVI of 1867 in Criminal trials, the Deputy Commissioners of Amherst and Shwé-Gyeen have remarked as follows:—

AMHERST.

"Whilst the provisions of the new Stamp Act XXVI of 1867 are considered very severe in Civil cases there have been no complaints about the small stamp now required in Criminal cases. In fact the complainants in such cases are now put to far less expense than they were formerly when they had to pay for processes and process serving."

"There were no persons prosecuted for breaches of the
" Stamp Act during the year. The
SHWE GYEEN " Law has now become generally
" known throughout the District, consequently Bonds &c.,
" are almost invariably written on Stamp paper. The few
" cases of omission brought to the Collector's notice arose
" through ignorance or accident, so the proper stamps were
" allowed to be impressed on the deficiency with penalty."

"To judge from the result of the past year it would not
" appear that the imposition of Stamp duty has had any effect
" in reducing the number of petty complaints. This slight
" duty is by no means considered oppressive, or in any way
" calculated to throw obstacles in the way of the poorer
" classes obtaining redress."

" Since the abolition of the fees formerly paid on Criminal
" processes, cheaper justice is afforded in petty Criminal cases
" than before the new Stamp Act came into force."

61. Captain Browne, Deputy Commissioner of Amherst, in his report has brought to notice the want of an Assistant Commissioner at Kaukarit. He states :—

" The want of an Assistant Commissioner, European,
" with 1st class subordinate or full Magisterial powers at
" Kaukarit is much felt. At present there is no one there
" but an old native Extra Assistant Commissioner 1st class
" with the powers of a subordinate Magistrate of the 2nd
" class who is almost useless."

" The wild inhabitants of the Sub-division have a great
" dread of being brought into Maulmain to give evidence.
" The people of the low country have a great dread of going
" into the hilly tracts of this Sub-division on account of its fever-
" ish climate, but the fear undergone, and the risk run by such
" persons going into these highlands is nothing compared
" with the fear and actual dangers incurred by the poor high-
" landers who are brought down to the region of sea-breezes.
" A visit paid to Maulmain by such people frequently brings
" on disease which terminates fatally."

62. With reference to the above remark I may state that it is a curious fact that the wild Karen witnesses alluded to, who are detained any time before the Courts at Maulmain do frequently acquire some disease and often die, whether

they are properly provided with subsistence during their compulsory stay here, is a matter which it is my intention to enquire into.

63. The Books and Registers kept by the several Deputy Commissioners of this Division in the Criminal Department have been inspected by the Commissioner during last year; they are correctly kept.

POLICE.

64. The Police in this Division are generally well reported on.

AMHERST. The Deputy Commissioner of Amherst remarks that, "the Police in this District where "the price of labour is so high have "many disadvantages to contend with; but all that could be "done by the able Superintendents who have held office du-"ring the year (Major Hamilton and Mr. Pattisson) has been "done, and done well. Mr. Redpath Assistant Superintendent "of Police in charge of the Martaban Sub-division appears also "to be a most efficient officer."

MAULMAIN. 65. The Magistrate of Maulmain reports that, "the Police I understand, have done their duty fairly."

"Mr. Gay the Assistant Superintendent in charge of the "Town is an excellent Police Officer."

TAVOY. 66. The Deputy Commissioner of this District in concluding his report states that, "I have "always received a willing assistance from Mr. Davidson, Superintendent of Police."

SHWE-GYEEN. 67. Captain Watson reports "that during the year "there has been no cause for any mis-"understanding between the Superintendent of Police and Magistrate."

68. The Deputy Commissioner of Amherst District in his Criminal report states that two of the Assistant Commissioners of his District, Mr. Barr and Mr. Forbes, possessing the full powers of a Magistrate have been ordered by the Commissioner "not to take up any sessions cases which can also be disposed of by the Deputy Commissioner's Court under the extraordinary powers conferred by Act XV of 1862.

This order was found necessary in consequence of several cases having been committed to the Sessions Court by the above Magistrates which could more properly have been disposed of by the District Magistrate, thereby involving a double trial and causing unnecessary detention and inconvenience to the witnesses, for example, Mr Forbes committed to the Sessions Court a woman charged with giving false evidence under section 193 of the Indian Penal Code, and it was considered by the Sessions Judge on trial that 6 months rigorous imprisonment was sufficient punishment to award, to meet the end of Justice.

In another case committed to this Court by Mr. Barr under Section 412, three years rigorous imprisonment and a fine of 1,000 Rupees was the sentence awarded by the Sessions Judge. In fact the whole of the cases committed to the Sessions Court by the two Assistant Commissioners could have been disposed of by the Deputy Commissioner, Captain Browne, more quickly at one trial, under his special powers under Act XV of 1862, and as before stated, detention and inconvenience to the witnesses avoided, many of whom have to come from their homes in the District from long distances.

69. The remarks of the District Officers regarding the Police are commendatory as far as the European Officers are concerned. Doubtless they have disadvantages to contend with in obtaining good policemen, the Karens appear to make the best policemen for some parts of this Division.

District Officers.

70. Captains Browne and Watson excel as judicial officers in this Division.

MAGISTRATES' REPORTS.

REPORT

OF THE

DISTRICT MAGISTRATE OF AKYAB.

For 1868.

—oo—

From Lieutenant Col. E. J. SPILSBURY, Deputy Commissioner, Akyab, to the Commissioner of Arakan, No. 75, dated Akyab, 16th February 1869.

I have the honor of submitting herewith my Report on the administration of Criminal Justice of the Akyab District for the year 1868.

SECTION III.

2. Criminal Justice in the District of Akyab for the year 1868.

1 Statement No I to VIII
2 Statement showing Whipping Cases
3 Statement A B Whipping Cases
4 Statement C Appeal from Whipping Cases
5 Statement B Statistics of Criminal Justice
6 Statement C Duration of Cases, and Detention of Witnesses
7 Statement of Criminal Sentence to 7 years and upwards

3. The Annual Criminal statements of this District for the year 1868 as per margin are submitted herewith.

4. The office of the Magistrate was held during the year 1868 as below :—

Colonel Spilsbury, Deputy Commissioner, during the whole year.

Mr. J. Treacy, Magistrate of Akyab, during the Deputy Commissioner's absence on Privilege leave, from 1st February to 31st March 1868.

Dr. Mountjoy, Honorary Magistrate of Poundawbreng, during the whole year.

Mr. J. Hind, Assistant Commissioner, during the whole year.

Mr. C. D. C. Lloyd, Assistant Commissioner during the whole year.

Mr. T. W. Hunt Extra Assistant Commissioner at Naaf, from 1st January to 26th April 1868, at Koladan from the 26th May to 5th August the date of decease.

Moung Kullah 1st, Extra Assistant Commissioner, Koladan, from 1st January to 14th April 1868, and at the Naaf from the 27th April to the end of the year.

Moung Pha Phroo, Extra Assistant Commissioner, 3rd Class, at Myohoung during the whole year, and at Koladan from 17th August to the end of the year.

Moung Htoon Oo, Extra Assistant Commissioner, 3rd Class, at Rathaidoung, during the whole year.

Moung Kulla 2nd, Extra Assistant Commissioner 3rd Class, at Mengbya, during the whole year.

Moung Nheng, Extra Assistant Commissioner 3rd Class, at Ooreetoung East, from 1st January to 18th October 1868 when he was suspended under the orders of the Commissioner's letter No. 101 dated 16th October 1868.

Moung Shwe Htoo, Offg. Extra Assistant Commissioner 3rd Class, at Ooreetoung East, from 19th October to the end of the year.

Moung Bein, Extra Assistant Commissioner 3rd Class, at Ooreetoung West during the whole year.

5. During 1868 there were brought to trial 1,038 cases and 2,029 persons, that is a decrease as compared with 1867 of 146 cases and 554 persons. At the close of the year 16 cases and 35 persons were pending, that is, one case more and 5 persons less than in 1867.

6. The table of Statistics of Criminal Justice shows that the decrease of Crime is in Bailable Offences—there were 663 fewer persons brought to trial; this is probably owing to the Stamp duty now required in filing many complaints under this head.

7. In Non-bailable cases there is an increase of 109 persons brought to trial. During the year Dacoity has been more frequent, more particularly in the Mrohoung Township.

The sudden increase of this crime is not to be explained save on the fact that the Police failed to check it at first, and the dacoits were so encouraged to repeat their attacks.

9. The accompanying Table shows the comparison between 1867 and 1868 under these heads.—1st number of persons whose trials in Non-bailable cases were brought to a close, and the increase and decrease.—2nd convictions and the percentage of convictions to those tried :—

Crimes.	No. of persons whose trials were closed during		Increase.	Decrease.	Convictions and Committals.		Proportions of convictions and committals to accused.	
	1867	1868			1867	1868	1867	1868
Murder	8	18	10	...	5	15	62.5	83.33
Culpable Homicide	4	10	6	..	3	9	75.0	90.0
Causing grievous hurt	8	9	1	..	2	3	25.0	33.33
Rape	...	3	3	...	..	1	..	33.33
Robbery	11	34	23	...	5	17	45.45	50.0
Dacoity	20	45	25	..	10	20	50.0	44.44
Theft	183	231	48	..	111	139	60.65	60.17
Other Offences	40	43	3	.	13	19	32.5	44.18
Total ..	274	393	119	.	149	223	50.02	54.84

10. The increase of Non-bailable cases has been under every head, under Murder, Culpable Homicide, and Dacoity, more than double the number of 1867 were tried, and under Robbery the increase is still greater, under Rape are 3 cases against none of 1867, and under Theft the increase is over 26 per cent.

11. As the trial of such grave offences involves the examination of much evidence and requires great care and detailed judgments, it will be seen that the Criminal work of the District has largely increased in 1868 although the actual number of cases is fewer.

12. The proportion of convictions to those tried has increased in each class of Non Bailable offences save Theft and Dacoity; in the 1st the decrease is very slight, in the 2nd 5·6 less, as Dacoity was so much more rife in 1868, this is not satisfactory.

13. The Police have been laboring under the disadvantage of insufficient pay, but as from the 1st January an increased rate of pay has been granted it is to be hoped, that a better class of men may be procured, and that more zeal

and intelligence will be displayed by them, at the same time the force being numerically few to the area and the country from its numerous creeks and jungle difficult to travel, bad characters have many facilities of escaping capture.

14. The proportion of Fines realized to imposed is 90·9.

15. Exclusive of the Town of Akyab the Population of the District is 256,210 Souls, of which the adult males number 73,914.

16. There were 16 pending cases in which 35 persons were under trial at the close of 1868, seven in the Deputy Commissioner's Court to which 9 persons belonged, of these 6 were received in December, and of them 3 in the Christmas Holidays.

17. The longest pending case was a dacoity case commenced the end of October. This Crime occurred on the borders of the Ramree District and much time was spent in getting up witnesses from thence; the prisoners were convicted on 3rd February on the Deputy Commissioner's return from a District tour.

18. Of the others, 6 belonged to the 1st Asst. Commissioner's Court in which the work is very heavy, 5 had been instituted during December and the earliest on the 18th November, a case of grievous hurt; the inability of the wounded man to attend and give his evidence caused the delay.

19. In the 2nd Assistant Commissioner's Court, Akyab, 1 case was pending, this had been received during the Christmas Holidays.

20. In the Extra Assistant Commissioner's Court Rathaidoung, 2 were pending—both received the end of December.

21. All the Appeals from orders of the Assistant and Extra Assistant Commissioners were disposed of during the year.

22. The diary of attendance of Witnesses as compared with the 1867 year is as below.

Before Whom.	Year.	No. of Witnesses discharged. 1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days and Upwards	Total of Witnesses.
Deputy Commr., Akyab ...	1867	129	53	19	8	10	9	2	2	232
	1868	128	102	23	2	5	...	2	...	262
Hony: Magst. Poundawbreng	1867	4	37	29	16	4	2	2	...	94
	1868	43	23	8	17	6	4	7	21	129
1st Asst. Commissioner ...	1867	206	33	31	...	...	...	...	...	270
	1868	474	100	8	8	6	...	...	...	596
2nd do. do.	1867	113	...	...	...	...	...	...	...	113
	1868	105	...	...	...	...	...	...	...	105
Extra Asst. do. Naaf	1867	216	...	...		...	...	...	...	216
	1868	242	...	...	...	...	...	...	...	242
Do. do. Koladan	1867	512	...	...	...	...	...	...	...	512
	1868	136	...	...	...	...	...	...	...	136
Do. 3rd do. of Mrohoung	1867	505	...	...	...	...	...	...	...	505
	1868	340	...	...	...	...	...	...	...	340
Do. do. Rathaidoung	1867	403	...	...	...	...	...	...	...	403
	1868	249	...	...	...	...	...	...	...	249
Do. do. Mengbya	1867	420	...	...	...	...	...	...	...	420
	1868	405	...	...	...	...	...	...	...	405
Do. do. Ooreetoung East	1867	333	...	...	...	...	...	...	...	333
	1868	286	...	...	...	...	...	...	...	286
Do. do. Ooreetoung West	1867	160	71	...	...	...	...	...	...	231
	1868	268	...	...	...	...	...	...	...	268
Total ...	1867	3001	194	79	24	14	11	4	2	3,329
	1868	2676	225	39	27	17	4	9	21	3,018

23. There was an increase of 30 witnesses examined in the Deputy Commissioner's Court, of 326 in the 1st Assistant Commissioner's Court, Akyab, and of 22 at the Naaf.

24. In the Honorary Magistrate's Court there is also an increase of 31 witnesses, and of 37 at Ooreetoung West; in

all the other Courts where the Magistrates have only the lowest powers, there were fewer examined, as the class of cases they tried contains fewer cases.

25. In the Extra Assistant Commissioner Koladan's Court, the decrease of the number of witnesses is very large, 376; this is accounted for partly from their having been no officer present in the Township, since Moung Kulla first left it to proceed to the Naaf in April 1868. Mr Hunt then carried on the duties, but in consequence of the state of his health, at Akyab. After his death in August the Extra Assistant Commissioner, Mrohoung, carried on the duties at Mrohoung. This absence of a Magistrate on the spot would naturally check complaints being made.

26. In the Courts of Mrohoung and Rathaidoung the number examined is greatly less, 165 and 154 respectively. I am unable to give any further reason than the one at Para 6, viz. that owing to a stamp being necessary, fewer petty offences were prosecuted.

Duration of attendance.

27. In the Deputy Commissioner's Court the number of witnesses heard on the 1st day was almost the same as in 1868, on the 2nd nearly double the number were heard, on the 3rd day, four more than in 1867. On all the longer periods less, but 2 witnesses were detained 7 days owing to the Deputy Commissioner's inability from sickness to attend the Court.

28. In the 1st Assistant Commissioner's Court the number heard on the 1st day was more than double that of 1867, on the 2nd treble, on the 3rd 23 fewer, but in consequence of the press of work, 8 could not be heard till the 5th and 6 till the 6th day.

29. In the Honorary Magistrate's Court Dr Mountjoy, the detention of witnesses has been very great, but no explanation has been received. Dr. Mountjoy has now become Civil Surgeon of Akyab, and is no longer under the Deputy Commissioner.

30. In all the other Courts there was no detention of witnesses.

31. The committals, convictions and acquittals in Non-Bailable and also in Bailable Crimes are shown as follows :—

	Non Bailable.		Bailable.		Total.	
	1867	1868	1867	1867	1867	1868
Committed	9	22	...	...	9	22
Convicted	140	201	1,496	1,019	1,636	1,220
Acquitted	125	161	771	622	196	790
Total...	274	391	2,267	1,641	2,541	2,032

32. There were 13 more committed than in 1867.

33. Committals and convictions being classed together, the percentage of those convicted to those tried, including the pending of the previous year, stands thus:—

In 1867 Non Bailable 51.77 Bailable 65.18 Total 63.72

„ 1868 Do. 54.25 Do. 61.45 Do. 60.02

34. The general analysis of acquittal is similarly shown:—

In all cases.	1867	1868
Complaint withdrawn ...	159	184
Acquitted	737	606
Total...	896	790

35. There were 1,038 cases received in 1868, of these 804 were Bailable, and it is amongst these that withdrawals occur. The percentage of withdrawals to them is 22.8 in 1868, in 1867 it was 14.7 ; this is a large increase and shows that a fair proportion of unnecessary complaints are made, and that the stamp laws do not press too rigidly.

36. The number of persons who became casualties in the course of the trial of these cases, or whose cases were transferred or otherwise dealt with, were as below :—

	Bailable.	Non-Bailable.
1867.....	1	
1868.....	2	

On these in 1867 one escaped, and in 1868 two escaped while under trial from the Mrohoung Tannah.

37. The persons brought to trial during the year 1868 appeared according to the following detail :

	1867.	1868.
1 Attended on Summons	1,680	1,165
2 Apprehended by Warrant.....	176	222
3 Sent in by the Police ...'...	727	684
Total.....	2,583	2,071

38. Hitherto the attendance on Summons has yearly increased, but this year the decrease is marked.

The apprehension on warrants from Magisterial Courts has much increased, whereas the number of those brought in by the Police has as in 1867 decreased but not so considerably.

39. The warrants are usually issued in those cases of which the Police cannot on complaint take cognizance but refer the complainants to the Magistrate—as the object of drawing this comparison between the summonses and warrants issued in the 2 years is unknown to the Deputy Commissioner, he refrains from making any remarks.

40. The following comparative Statement shows the average duration or days of cases during the years 1867 and 1868, omitting fractions :—

Name of Court.	1867.	1868.	1867. Cases under trial.	1868. Cases under trial
Deputy Commissioner, Akyab	16	9	90	73
Honorary Magistrate, Poundawbreng	7	11	52	31
1st Assistant Commissioner of Akyab... ...	12	18	66	117
2nd Do. Do. Do.	3	2	68	104
Extra Assistant Commissioner, Naaf	2	1	90	105
Do. Do. Koladan .	3	6	81	53
3rd Class Extra Assistant Commr., Myohoung ..	2	2	129	111
Do. Do. Rathaidoung ..	2	3	110	61
Do. Do. Mengbya .	3	2	216	153
Do. Do. Ooreetoung, East ..	5	5	147	114
Do. Do. Do. West .	2	2	152	115
	*			
Average of District ...	3.88	5.5	1,201	1,038

* Vide Statement VIII, of 1867

41. The average on the whole is a slight increase, but excepting in three Courts noted below, there is no marked increase ; in the Deputy Commissioner's Court there is a large decrease.

42. In the Honorary Magistrate's Court the average increase is 4 days, this can only be attributed to that Officer being unable from his private business to devote sufficient time to the Court duties.

43. In the Assistant Commissioner's Court, Akyab, the increase is 6 days, or 50 per cent ; this is attributable to the great increase of cases there tried.

44. In the Extra Assistant Commissioner's Court, Koladan, the time is doubled and is attributed to the absence of an officer from that Township since April 1868.

45. In the Extra Assistant Commissioner's Court Rathaidoung, there is an increase of 1 day; as the cases for trial were little more than half of those in 1867, it is unsatisfactory.

46. The Extra Assistant Commissioner Ooreetoung East has still the high average of 5 days, the number of his

cases are still less than that of many other Courts; and in that Court in 1868 there were 13 per cent less than in 1867, this average is not creditable.

47. The result of the Appeals from the orders of the Assistants preferred to the Magistrate is shown below :—

Name and official Designation of Assistants.	Rejected.	Confirmed.	Reversed.	Modified.	Pending at the close of the year
Mr. C. D. C. Lloyd, Assistant Commissioner.....	.....	4	.....	.....	.....
Moung Kulla, Ex. Assistant Commissioner...	.....	.....	1	.....	.....
Moung Htoon-Oo, Ex. Asst. Commr. Rathaidoung...	1	2	.....	.....	.....
Moung Kulla, do. Mengbya	.....	1	.....	1	.....
Moung Nheng, do. Ooreetoung East..	.....	.....	.....	1	.....
Moung Shwè Htoon, do. do.	.....	.....	1	.....	.....
Moung Bein, do. do. West...	.....	2	.....	.....	.....
TOTAL.....	1	9	2	2	.....

The number of Appeals made from the findings of the Subordinate Courts are very few, so that no safe opinion can be formed by the result on the Sub-Magistrate's capabilities. There were 14 in 1868 and 22 in 1867—of the 14 Appeals made 2 were modified and 2 reversed.

48. The Appeals preferred against the 2nd Assistant Commissioner's Court, the Extra Assistant Commissioners' Courts Rathaidoung and Ooreetoung West were all confirmed.

49. Against the Extra Assistant Commissioner, Moung-Kulla 1st, one Appeal was made and this was reversed.

50. Against the 3rd Class Extra Assistant Commissioner Moung-Kulla, 2nd of Mengbya, 2 Appeals were preferred, confirmed and 1 modified.

51. Against the 3rd Class Extra Assistant Commissioner Moung-Nheng of Ooreetoung East, there was one Appeal—the decision was modified.

52. Against the 3rd Class Extra Assistant Commissioner Shwè-Htoo, Offg: at Ooreetoung East, there was 1 Appeal—this was reversed.

53. Number of persons punished under Whipping Act (Act VI of 1864) is shown below :—

	On first Conviction	On second Conviction.	In addition to other punishment on second Conviction	Juvenile offenders.
Up to 10 stripes				
Up to 20 stripes			Nil.	
Up to 30 stripes				
Total				

The infliction of this punishment is not found necessary in this District, in no instance has it been awarded.

54. Act XXVI of 1867 was under operation in this District throughout the year ; as before remarked it seems to have checked needless litigation but has not stopt complaints being made when they were really called for; this appears to be proved by the statement at para 34 comparing the number of cases withdrawn and struck off in 1868 with those of 1867, the percentage of withdrawals is much greater in the latter year.

55. Act III of 1867 was in operation in this District throughout the year, but excluding the Town of Akyab, in its special sections, it was only applicable to the Towns of Old Arakan, Rathaidoung, Mroung Bway and Ralab East. There were only 47 persons brought to trial under it. Gambling is an offence very prevalent amongst the people of the country and if it be desirable to check it the restrictions of the act do not tend to that end.

56. In regard to the Sub-Magistrates the following is their report.

Mr. J. Hind, Assistant Commissioner, has been very assiduous in the discharge of his duties which are very heavy ;

he is very careful and painstaking; he has held the powers of the Magistrate and District officer during the year.

Mr. C. D. C. Lloyd held the powers of a Sub-Magistrate of the 2nd Class; his work during the year was much more than in 1867; he has performed his duties in a very satisfactory manner.

Mr. T. W. Hunt, Officiating Assistant Commissioner—this officer held the powers of a Sub-Magistrate of the 1st Class; of him the Deputy Commissioner's Court has always reported very favorably and now regrets that instead of having again to bring him to the favorable notice of his superiors he has to deplore his death in August last.

Moung Kulla 1st, Extra Assistant Commissioner Naaf, has held the powers of a Subordinate Magistrate of the 2nd Class during the year. The Deputy Commissioner can only say of this officer that he has served Government worthily for many years past, but is now past heavy work from age.

All the Extra Assistant Commissioners 3rd Class have held the powers of a Sub-Magistrate of the 2nd Class.

Pha Phroo at Mrohoung has not performed his duties satisfactorily; he is indolent and inclined to be disrespectful.

Htoon Oo at Rathaidoung—this officer requires more energy and should exact more attention to his orders from his Subordinates; he is attentive to his duties.

Moung Kulla 2nd, at Mengbya, has not had any previous training for his office, is energetic but inclined to be overbearing; he has not much knowledge of his duties.

Moung Nheng at Ooreetoung East—this officer was not reported on favorably in 1867, he has since been suspended under the orders of the Commissioner.

Moung Shwé Htoo has officiated for Moung Nheng since 19th October; he has conducted his duties satisfactorily.

Moung Bein, Ooreetoung West is an old man and has long served Government, he has carried on his duties very satisfactorily

57. There is but one Honorary Magistrate, Dr. Mountjoy at Poundawbreng, the appointment of an European officer at that remote spot is very advantageous for the people; he takes an interest in his Magistracy, but has found his duties as grantee interfere with speedy decisions.

58. In regard to the working of the Police I have received cordial assistance from Captain Munro, Superintendent of Police on all occasions, but though the Police have made more arrests in 1868, and the proportion of convictions to arrests has increased in many classes of Heinous Crimes, still they were not effective against the sudden out break of dacoity and frequently failed to obtain any clue to the perpetrators or to capture those who were known. As an increase of pay has been sanctioned, the Superintendent will now be able to make a better selection and to weed out those who are unfit. In the preparation of cases and collecting of evidence, there is still great room for improvement.

59. The Statement of cases tried by the Magistrate under the special powers according to Act XV of 1862 is given below :—

Names of officers vested with special powers.	Number of cases decided under special powers.	Number of cases in which Appeals were preferred.	Sentence confirmed.	Sentence reversed.	Sentence modified.
Mr. J Treacy Offg Deputy Commissioner	2	1	.	...	1
Lieut. Col E. J. Spilsbury Deputy Commissioner ...	7	5	4	1	...
Total...	9	6	4	1	1

During the absence of the Deputy Commissioner on Privilege leave in February, March 1868, Mr. J. Treacy carried on the duties.

60. The Registers of Bailable and Non-Bailable offences and of Appeals are duly kept in the prescribed forms.

61. The Alphabetical register showing all persons convicted of heinous offences &c., has been completed for the

year 1868; owing to the insufficiency of the Judicial Establishment where there is but one English Writer, the preparation of the register for the years 1862 to 1866, has not yet been effected. The death of the Head Judicial Clerk in June last also caused it to be overlooked.

62. The Criminal Records are properly kept, they have been arranged up to the end of 1868.

63. The Records of 1867 of the District Courts have all been received and arranged.

64. The examination and defence of accused persons, when Arakanese, have been recorded in the vernacular as directed.

General Remarks.

65. During the year the Deputy Commissioner visited and examined the records of all the District Courts and found their records kept in proper order—he visited the Sub: Courts each on two or three occasions during the year, excepting the Naaf which was only visited once. Owing to the Cyclone in November much damage to property was done, but still not so much to the Crops as to raise prices. The consequence is the people are satisfied and contented; more especially at this season when the demand for labor is great and wages good.

66. Trusting that the performance of the Judicial Work of this District will be considered satisfactory.

REPORT

OF THE

MAGISTRATE FOR THE TOWN OF AKYAB.

For 1868.

From Lieutenant G A STROVER, Magistrate of Akyab, to Colonel J F J STEVENSON, Commissioner of Arakan, Akyab, Criminal Miscellaneous No 4 of 1869, dated Akyab the 20th January, 1869

I have the honor herewith to submit the Criminal Annual Statements for the year 1868 as per Margin, together with this my report drawn up in the prescribed form

1	Statements Nos I to VIII	
2	Do	A & B Whipping cases
3	Do	C Appeals from ditto.
4	Do	Showing Whipping cases
5	Do	B Statistics of Criminal Justice
6	Do	C Duration of cases and detention of witnesses
7	Do	Showing the various Judicial Tribunals
8	Do	of Criminals sentenced to 7 years and upwards
9	Do	Showing the result of Appeals and Revision
10	Do	Showing the general result of Criminal trials
11	Do	Showing the punishment inflicted by various Criminal Tribunals
12	Do	Showing use of Juries or Assessors in Criminal Courts
13	Do	of offences reported and of persons tried convicted and acquitted &c

2 The office of Magistrate was held in the town during the year as below

J. Treacy Esquire, Magistrate, from 1st January 1868 to 6th April 1868. Colonel E. J Spilsbury, Deputy Commissioner, from 7th April to 15th May 1868. Lieutenant G A Strover, Magistrate, from 16th May to 31st December 1868.

3 There were for trial during the year, 515 cases of 842 persons, all of which were disposed of before the close of the year There were no Lunatics pending trial at the close of the year.

4. The diary of witnesses as compared with the year 1867 was as below :—

Before whom	Years	No of witnesses discharged in								Total
		1 Day	2 days	3 do	4 do	5 do	6 do	7 do	8 do and upwards.	
Magistrate	1867	946	6	0	0	0	0	0	0	952
	1868	1599	24	0	0	0	0	0	0	1,623

5. The Committals, Convictions and Acquittals in Non-Bailable and also in Bailable crimes are shewn as under :—

	Non bailable offences-		Bailable offences		Total	
	1867	1868	1867	1868	1867	1868
Committed	1	1	0	0	1	1
Convicted	72	87	441	442	513	529
Acquitted	42	69	193	243	235	312
Total	115	157	634	685	749	852

In Non-Bailable Offences, there is a slight increase in the convictions as compared with the previous year, being 56 per cent against 62 per cent, and taking Bailable and Non-Bailable offences together, there is an increase in convictions of 5 per cent.

II.—The general analysis of Acquittals is similarly shewn :—

In all cases.	1867	1868.
Complaints withdrawn....	4	10
Acquitted.	231	302
TOTAL... ...	235	312

In 1867, 30 per cent were acquitted and in 1868, 37 per cent.

III.—The number of persons who became casualties in the course of the trial of their cases, or whose cases were transferred or otherwise dealt with were as below :—

	Bailable.	Non Bailable.
1867...	.....	.....
1868...	.....	.....

IV.—The persons brought to trial during the year appear according to the following detail :—

		1867.	1868.
1	Attended by Summons...	319	394
2	Were apprehended by Warrants...	26	36
3	Sent in by the Police.	406	412
	TOTAL... ...	751	842

showing a slight increase.

6. The following comparative statement shows the average duration of cases during the years 1867 and 1868 :—

	1867	1868
Lieut. G A Strover, Magistrate	0	2 29
J Treacy, Esq Do	1 44	2 88
Col E J Spilsbury, Deputy Commissioner	2 1	1.07
J Hind, Esq Assistant Commissioner	1	23
C D C Lloyd, Esq, Do	0	1 20
Moung Shwè Taw, Tsitkay	0	1
Total	1 54	2 27

showing a falling off, owing to circumstances beyond control.

7. The number of persons punished under the Whipping Act (Act VI of 1864) is shewn as below :—

	On first occasion	On second occasion	In addition to other punishment on second occasion	Juvenile offenders
Up to 10 Stripes	2			2
„ „ 20 „	8		3	1
„ „ 30 „	2		1	

8. There can be no doubt that the punishment of whipping, as authorized by Act VI of 1864, does not act with sufficient force; or prove to be an effectual deterrent to the commission of crime in the cases of adults. Able bodied men of the lower classes, would rather undergo the punishment of 30 stripes with a rattan, than be imprisoned for 6 months. The punishment is only really effectual when combined with imprisonment, but when not combined, its effectiveness is rendered partially nugatory. For juvenile offenders it is undoubtedly a very appropriate and beneficial punishment

9 In regard to the Subordinate Magisterial authorities, the Honorary Magistrates for the Town of Akyab, Messrs. Hay and Bulloch have been absent throughout the year

10. In regard to the working of the Police there is a considerable improvement in the number of cases brought to trial to those reported in Non-Bailable Offences, being 53 per cent in 1867 and 72 per cent in 1868, but the convictions have fallen from 62 to 56 per cent. Captain Munro, the Superintendent of Police, has exercised a careful superintendence over the Police, and on the whole I am well satisfied with the manner in which their duties have been performed. Now that an increase of pay has been sanctioned for the lower grades of the Police, their efficiency and trustworthiness will doubtless increase in proportion :—

Names of officers vested with Special Powers	Number of cases decided under Special Powers	Number of cases in which appeals were preferred	Sentence confirmed.	Sentence reversed.	Sentence modified.
J Treacy Esquire	3	.	.	.	
Lieut G A Strover	20	4	3	1	...
Total	23	4	3	1	

GENERAL REMARKS.

11. There have been no cases of Murder during the year under review.

Counterfeiting, or possessing, or delivering counterfeit coin has increased by 4 cases, altogether, there were 5 cases against 1 in 1867 but of these 5 cases 2 men were acquitted, thereby reducing the actual offences to 3. There has been 1 case of causing grievous hurt, 1 case of Rape in which 4 persons were concerned, 2 were convicted and 2 acquitted.

The offence of Theft shows a considerable decrease, which is satisfactory, when taking into consideration the great scarcity of provisions that has prevailed of late. During the month of November, the price of rice was as high as Rupee 1 for 4 and 5 Seers of rice, and continued fluctuating between that and 8 and 10 Seers for sometime. The Cantonment of

Akyab has been on the whole free from depredations of night marauders. One or two unimportant cases have occurred, which do not call for any special notice.

There have been 2 cases of Robbery in which 6 persons were concerned, but acquittals were recorded against 5 persons.

The offence of receiving stolen property dishonestly has considerably decreased.

Lurking house trespass or house breaking by night, unaggravated, has increased, but the Police have been successful in coping with this crime. Credit is due to them for the vigilance shewn in securing some of the offenders.

In Bailable offences under the Indian Penal Code there have been a considerable increase during the year, chiefly in cases of criminal force and insult, this is owing somewhat to the exemption of fees payable on criminal processes and also to other causes.

Offences under Special or Local Laws remain much the same as they were last year.

12. The Gambling Act III of 1867 has worked well during the year under review and does not call for any special remarks. There have been 8 offences of 15 persons against 14 cases of 50 persons for the year 1867.

13. The Stamp Act XXVI. of 1867 has been in force throughout the entire year, and judging from the increase of Bailable offences in this and past years, it would seem, that it has in no way tended to check complaints in petty cases of Assault, Insult &c, indeed were the Stamp duty raised to 2 Rupees on petitions, or were the former standard of fees on processes re-enacted, litigation in this respect would in all probability keep up to its old position, such is the tendency of the native character, especially natives from Chittagong, to obtain Court redress from their fellow beings in cases of a most trivial nature, that the value of money is little thought of, and many a man will spend all he has, and borrow from his friends in order to gain his point, and it is to be feared

also that in many cases whether right or wrong that money is lavished in order to pay off some grudge, or with the view to bring some harboured spite to a culminating point.

The Pleaders, as a rule, who patronize the Courts, do without doubt, stir and bring up many cases, for which there is no foundation, thereby entailing extra labor and loss of money. It might possibly prove of some service, if a Register was kept, showing the names of Pleaders and the number of petty cases brought up by them day by day, with the number of cases and persons in which convictions and acquittals followed. The totals of this Register at the close of the year would show to a certain extent, the respective merits of the Pleaders with the view to further advancement, and the chances are that few cases, or cases unsupported by evidence would be brought up to needlessly consume the time of the presiding Officer. Pleaders are doubtless of great use in some respects and are the means of affording facilities to the poorer classes unacquainted with the procedure of Courts, and others for obtaining redress, but at the same time, those facilities prove only of real practical value when employed in cases where redress is warranted, and the slight check above mentioned, might prevent many a Pleader from being over energetic and too ardent in the pursuit of his calling, in order to secure his own interests at the expense of both the Judge and the suitors.

14. Under the Head of nuisances, 56 cases are shewn as having been ascertained to have been committed—this is an offence that always forms a large ingredient in the Bailable crime of Akyab under Special Laws. The large floating population here calls for extra sanitary measures, not so much in inflicting punishments beyond what is necessary for the sake of decency and health, but with regard to providing means whereby the purposes of nature can be performed. The Public Latrines at this Station on the foreshore of the harbour were completely blown down, and washed away during the Cyclone in November last. New ones have been sanctioned and will, it is to be hoped, be erected before long.

15. Taking a review for the whole year, it may, I think, be recorded that true crime has been kept down and has certainly not increased.

The visitation at this station of a severe Cyclone offered great facilities to the evil disposed to commit crime. At a time when the Town was in ruins, when houses in numbers were swept level with the ground by the blast of the hurricane, when property of all descriptions was exposed in the open air during the dark and anxious nights that succeeded, and when the price of rice and other necessaries of every day life rose so high that even the ordinary well to do man felt the pressure, and were apprehensive that worse times were coming, still throughout these trials the behaviour of the mass of the people was good, and that of the Arakanese admirable. It is true, that crime in this Station is higher in proportion to the population than other large Towns in British Burma, but this is hardly a fair criterion as to the real state of crime. The smaller the Town, the more compact and centralized is the supervision and consequently the sooner cases are reported from the comparative facilities that exist for so doing.

REPORT

OF THE

DISTRICT MAGISTRATE OF RAMREE

For 1868.

—oo—

SECTION III.

CRIMINAL JUSTICE.

1st, The Annual Criminal Statements of this District for the year 1868 as per margin are submitted herewith together with this my report drawn up to the prescribed form.

1st	Statement No 1 to VIII	
2nd	Do	Showing Whipping cases
3rd	Do	of Appeals from ditto
4th	Do	B Statistics of Criminal Justice
5th	Do	C Duration of Civil Cases and detention of witnesses
6th	Do	of Criminals Sentenced to 7 years and upwards

2nd. The office of Magistrate was held in this District during the year as below:

Mr. W. DeCourcy Ireland, Officiating Deputy Commissioner, from 1st to 7th January 1868.

Captain Plant, Deputy Commissioner, from 8th January to 31st December 1868.

Moung Shwè Dike Kay, Extra Assistant Commissioner, from 1st to 25th May 1868 and from 5th August to 31st December 1868.

Moung Na Hto Shwè, Officiating Extra Assistant Commissioner, from 26th of May to 4th August 1868.

Moung Na Hta Shwè Extra Assistant Commissioner 3rd Class 3rd Grade, from 1st January to 22nd May and from 9th August to 31st December 1868.

Moung Htoon Aye, Officiating Extra Assistant Commissioner 3rd Class 3rd Grade, from 23rd May to 8th August 1868.

Moung Hla Htoon Oung, Extra Assistant Commissioner 3rd Class 2nd Grade, throughout the year

Moung Phoung thaoo, Extra Assistant Commissioner 3rd Class 4th Grade, throughout the year.

3rd. There were for trial during the year the cases of 867 persons all of which were disposed of in the following manner:

Committed	1
Convicted	640
Acquitted	154
Complaint withdrawn	72
Total ...	867

There was no case pending on the file at the close of the year.

All Appeals from Extra Assistant Commissioners were disposed of prior to close of the year:

4. The diary of attendance of witnesses as compared with the year 1867 was as follows:—

Before whom.	Years.	Number of witnesses discharged in							Remarks.
		1 day	2 days	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	
Deputy Commissioner . . .	1867	427	0	0	0	0	0	0	0	
	1868	253	0	0	0	0	0	0	0	
Extra Assistant Commissioner 1st Class 2nd Grade... .	1867	226	0	0	0	0	0	0	0	
	1868	562	22	0	0	0	0	0	0	
Extra Assistant Commissioners 3rd Class, 2nd, 3rd and 4th Grades.	1867	725	0	0	0	0	0	0	0	
	1868	1,213	0	0	0	0	0	0	0	
Total	1867	1,378	0	0	0	0	0	0	0	
	1868	2,058	22	0	0	0	0	0	0	

showing that no witnesses were detained more than two days, as cases come in they are as a rule taken up, but the Magistrate thinks that when cases have been brought to the Court at a late hour of the day and directed to be presented the next morning that in these cases there has been a deten-

tion of witnesses which should find but has not found, a place in the Diary of attendance: as a check the Magistrate has ordered that from the commencement of 1869 the diary of witnesses shall be submitted for his initials after each case has been concluded. The decrease in number of witnesses in Deputy Commissioner and increase in Extra Assistant Commissioners 1st class 2nd Court is owing to the latter officer having received extended Magisterial powers during the year.

5. The Committals, Convictions, and Acquittals in Non-Bailable and Bailable Crimes are shown below in comparison with 1867:—

	Non-Bailable.		Bailable.		Total.	Total.	REMARKS.
	1867.	1868.	1867.	1868.	1867.	1868	
Committed	3	1	...	...	3	1	Decrease 4 persons.
Convicted	148	176	533	464	681	640	
Acquitted	28	67	159	87	187	154	
Complaint withdrawn	...	..	.	72	...	72	
Total	179	244	692	623	871	867	

In Non-Bailable or heinous offences there was an increase of 65 persons brought to trial consequent on the increased number of Thefts committed during the year, which increase of crime is attributed to the re-establishment of opium in the District in 1868.

The effect the re-establishment of Opium Farms has on crime is two fold viz: increase in number of actual offences and increased difficulty of detection thereof by the Police because the open license to use opium attracts numerous adherents and increases the number of persons on whom the Police have to keep their eyes; prior to establishment of Opium Farms the simple fact of a man using opium was sufficient to attract the notice of the Police and to cause a watch being kept on him, which they were generally able to do as such were usually isolated cases in a village.

Although Opium Farms collect a number of bad and loose characters together still such a gathering seems to the Magistrate to have its advantages, because a sharp detective can watch, see and perhaps overhear any combination to commit crime, and when a heinous offence has been committed he can sift out where such men have been and what they were doing on such and such a day, this would be some clue to work upon in want of a better, and great crimes have been brought home on much smaller grounds for suspicion.

In Non Bailable offences there is a decrease of 69 persons brought to trial which is mainly owing to prosecution under Section 143 I. P. C. (unlawful assembly) of persons gambling beyond the defined limits of towns having been put a stop to as illegal.

There has also been a decrease in the number of persons prosecuted for Bad livelihood, the reason being that owing to the re-establishment of Opium Farms the number of *quasi* bad characters has increased so much that the Police cannot keep such a close watch on so many, and consequently are not able to produce as good evidence against a man on that charge as they were in 1867 when the very appellation "Bein Tsa" (opium eater) was almost sufficient to stamp a man as a bad character at once.

This is to be deplored as there can be no doubt that a close surveillance over bad characters is one of the best, if not the best means of preventing the commission of the majority of crimes.

In 1868 the number of persons brought to trial for heinous offences was 244, of whom 176 were convicted and 1 committed; giving the percentage of 72.5 on convictions and 27.5 acquittals.

In 1867 the percentage of convictions was 84.3 consequently there is a falling of 11.8 per cent in the year under review, the cause for which has already been stated to be the difficulty the Police have to contend with in looking after a larger number of loose characters. Yet in spite of this falling off the percentage 72.5 may be allowed to be satisfactory.

In Bailable cases the percentage of convictions of persons brought to trial was 77.02 in 1867, and 74.4 in 1868, a slight deterioration of 2.62 per cent.

II. The general analysis of acquittals is similarly shown.

In all cases.	1867.	1868.
Complaint withdrawn,	72	72
Acquitted,	115	154
Total.....	187	226

III. The number of persons who became casualties in the course of the trial of their cases, or whose cases were transferred or otherwise dealt with, were as below.

	Bailable.	Non Bailable.
1867	.....	3
1868	.....	1

IV. The persons brought to trial during the year appeared according to the following detail:

	1867.	1868.
1. Attended on Summons	332	295
2. Were apprehended by Warrant	25	40
3. Sent in by the Police.	515	532
Total.	872*	867

* Pending on 1st January 1868

In 1867 the number of Non Bailable offences ascertained to have been committed was 243, of which 57.6 per cent were brought to trial, in 1868 the number ascertained to have been committed was 382, out of which 199 or 52.09 per cent were brought to trial exhibiting a deterioration of 5.5 per cent—which is ascribed to the same causes as stated before.

The number of cases brought to trial out of the number of offences ascertained to have been committed does not seem to the Magistrate to be a just or fair test of the activity or attention of the Police to their duties, because in many cases though the Police may light on the actual offender, still if they cannot get sufficient evidence to justify sending him up for trial they are obliged to act under section 153 of Criminal Procedure Code (Act XXV of 1861), but such action taken by the Police finds no place in the Magistrate's return. The Magistrate, Captain Plant, would suggest that another column in the Magistrate's Return No. 1 should be added in which the action of the Police under section 153 could be shewn and so give a fuller test of the manner in which they looked after the crime of their District; as it now stands, the return does not show what the Police did in 183 cases of the 382 offences ascertained to have been committed in 1868, and showing only 199 out of that number (382) brought to trial tells against the Police which is unfair to them.

A similar column to show discharges under Section 160 Criminal Procedure Code would also be advantageous, and show in how many cases erroneous arrests had been made.

To show either of these descriptions of discharge as acquittals would defeat the object aimed at in the Magistrate's return, and would be still more unfair to the Police as a test of successful prosecutions.

V.—The following comparative statement shows the average duration of cases during the years 1867 and 1868 :—

	1867	1868
Deputy Commissioner - - - - -	2.2	2.5
Extra Asst: Commissioner 1st class 2nd grade - -	1.7	1.5
Extra Asst Commissioner 3rd class 2nd, 3rd & 4th grades	1.8	1.9
Average of the District -	1.9	1 9

being as small as it could well be.

6. The result of the Appeals from the orders of the Assistants preferred to the Magistrate is shown below :—

Name and Official Designation of Assistants	Rejected	Confirmed	Reversed.	Modified
Moung Shwè Dike Kay, Extra Assistant Commissioner, 1st class 2nd grade	3	0	1	0
Moung Hla Htoon Oung, Extra Assistant Commissioner, 3rd class 2nd grade	1	0	0	0
Moung Nahto Shwè, Extra Assistant Commissioner, 3rd class 3rd grade . .	1	1	1	1
TOTAL	5	1	2	1

only 9 Appeals from the decisions of the Extra Assistant Commissioners on the conviction of 489 persons which shows how well and justly as a body they have administered Criminal justice.

Out of the 9 Appeals, 5 were rejected and one confirmed, leaving only 3 or $\frac{1}{3}$ in which the decision was interfered with.

The case modified was with reference to the imprisonment in default of fine being greater than the legal proportion of $\frac{1}{4}$ of the maximum fixed for the offence which was "affray," and in which the Lower Court passed sentence of both imprisonment and fine.

One of the cases reversed was a conviction under section 143 I. P. C. for gambling. The other one reversed was on its merits as to the evidence adduced on prosecution.

So that in 2 cases (1 modified and 1 reversed) the order of the Sub-Magistrate was interfered with on a point of law not fact.

The Magistrate thinks the result is favorable to the Subordinate Magistrates concerned.

7. The number of persons punished under Whipping Act (Act VI of 1864) is shown below —

	On first conviction	On second conviction	In addition to other punishment on 2nd conviction	Juvenile offenders
Up to 10 stripes	0	0	0	0
Up to 20 stripes	1	1	1	0
Up to 30 stripes	0	0	5	0

The offences for which whipping was inflicted were Theft and the number of persons whipped few, and the Thefts petty.

In the one case of whipping on second conviction the culprit was a lad who had been more than twice in Gaol for Petty Theft and did not seem to be in the least afraid of incarceration He was sentenced to 20 stripes which being inflicted he said he would steal no more and up to the close of the year he had not been arrested again, so in his case the whipping seems to have been useful.

There was one Appeal from the whipping in addition to other punishment; but the order of the Magistrate was confirmed in its entirety. The Appeal was from the order of the Magistrate of the District.

8. Statement of cases tried by the Magistrate under his special powers according to Act XV of 1862 is given below;—

Name of Officer vested with special powers	Number of Cases decided under Special powers.	Number of Cases in which appeals were preferred	Sentence confirmed	Sentence reversed	Sentence Modified
Captain Plant	11	7	6	„	„

out of 11 cases 7 Appeals were made, out of these 7 Appeals prior to the close of the year 6 had been heard and decided, confirming the sentence passed by Captain Plant. The Ap-

peal petition in the other case was only forwarded to the Sessions Court on the 23rd December 1868 so could not have been taken up and disposed of before close of year—it has since been returned confirmed.

The description of offences in which the Special Powers were used are as follows :—

Under	Section	379	I P	Code	1 case
,,	,,	380	,,		5 ,,
,,	,,	457	,,		1 ,,
,,	,,	392	,,		1 ,,
,,	,,	411	,,		1 ,,
,,	,,	413	,,		1 ,,
,,	,,	250	,,		1 ,,
				Total	11 ,,

In the 6 cases Theft under sections 379 and 380 I. P. C. the sentence passed in 4 cases was 3 years rigorous imprisonment, in the remaining 2, five years and 7 years. The prisoner sentenced to 5 years had committed Theft before and had also escaped from custody The prisoner sentenced to 7 years was a man who had been convicted twice before and committed this Theft whilst in Gaol as a Prisoner Warder.

The sentence passed under Section 457, Housebreaking unaggravated, was 3 years, and a like sentence for the case under 411, dishonestly receiving stolen property.

The sentence passed in cases under section 250 using altered coin, 392 Robbery, and 413 habitually dealing in stolen property was 5 years in each.

9. The total amount of Fines imposed during 1868 was Rs. 6,479-4-0 of which Rs. 4,720-1-0 were realized, being a percentage of 73.0—in 1867 the percentage was 73.2.

Rs. 164-8-0 were ordered to be paid as compensation under Section 44 Code of Criminal Procedure, of which Rs. 129-8-0 or 78 per cent were actually paid.

10. In 1867 the population of the district was 125,519 souls.

In 1868 there was an increase, the total number of inhabitants being 127,239.

The proportion of persons brought to trial for offences to population in 1867 was in Bailable 181.3 and Non Bailable 701.2, in 1868 the proportion was 204.2 Bailable and 521.4 Non Bailable

11. With regard to the working of the Police during the year under review, the result shows a deterioration, but then the Police had to contend with a difficulty which had no existence in the previous year, that was the establishment of Opium Farms the effect of which has already been set forth in other paragraphs of this section.

12. Mr. Ireland, Officiating Deputy Commissioner had charge of the Police from 1st to 7th January 1868.

Captain Plant, Deputy Commissioner held charge from 8th to 22nd January 1868 when he was relieved by Mr. W. H. Pattisson, Superintendent of Police, who was ordered away to another district and made over charge of the Police to Captain Plant on the 7th July 1868. Lieutenant W. G. Carr, Officiating Superintendent of Police, arrived on 30th July 1868 and held charge for the rest of the year.

13. There was not the smallest disagreement or discord throughout the whole year between the Magistrate and the Police officers; all went smoothly and they carried on their several duties with concord for the common good and benefit of the district.

14. A more important district and a larger sphere for the exercise of his excellent qualities as a Police Officer demanded the services of Mr. W. H. Pattisson, and it was with no small feelings of regret, personal as well as official, that the Magistrate viewed his departure from the District.

Mr. Pattisson's zeal, activity, intelligence and interest in his work is worthy of notice and commendation.

15. Lieutenant W. G. Carr has carried on his Police duties satisfactorily; he is energetic and intelligent and with more experience and a further knowledge of the language will no doubt turn out a good Police Officer.

General Remarks.

16. In para. IV the number of persons sent in by the Police in 1868, was 532, of these 273, or 51.3 per cent, were arrested, in the 1st instance by the Razawot Goungs, and of them 157, or 57.5 per cent were convicted, and 126, or 42.5 per cent were acquitted. This does not show very well for the village Police, but it must be kept in mind that these men are selected for their position more on account of their influ-

ence than their knowledge of criminal law; there is no doubt that in many cases they make arrests when they should not do so, and if at the time this is brought to the notice of the Police Superintendent and the error pointed out clearly, it will not likely again occur.

17. The Razawot Goungs are a most useful body generally, and perform their duties as a rule to the best of their ability, but, of course they require instruction which, owing to their position it is not easy to impart to them, except in correcting any errors they may make. Police officers should recollect this and not cry out, that the Razawot Goung spoil their returns, in fact the Razawot Goung is the right hand man of the Regular Police Force.

18. During 1868, there were 29 cases of sudden death as follows :—

	3	from natural cause
	12	„ drowning
	11	„ accidental cause
	3	„ suicide
Total	29	

In one case of attempt at suicide, the Magistrate inflicted the full penalty of the law, in hopes of deterring others from attempting to commit or committing suicide, since then he has heard of no new suicide.

19. There is no Police reserve in this District, a reserve of at least 30 men is greatly required but this subject will be brought forward in a separate communication.

20. As regards heinous offences there was one attempt at murder by poisoning the well used by a number of people but situated within the enclosure of the Gaol Clerk, the accused persons were the previous (dismissed) clerk, and his friend—arsenic was used mixed with indigo, this was ascertained thro' chemical analysis made in Calcutta on the specimen sent there. It was found impossible to bring home the charge. The purchase of arsenic could not be proved and altho' there was suspicion on the accused they had to be discharged.

21. There was one case of murder and one case of Culpable Homicide committed, in one the accused was brought to trial and convicted by the Sessions Court. This case of

Culpable Homicide was committed during a fight over some gambling transactions in Aeng.

22. The murder was committed by parties unknown and at the time supposed to be wild Chyins, but subsequently considered to be committed by Chyins residing in Akyab District, and the object of the murder, to terrify certain people belonging to a grantee from cultivating some land which had been used as grazing fields before—no arrests were made in this case—a small Police guard was stationed there temporarily during the ploughing season.

23. There were 3 cases of Robbery—one only was brought to trial in which two persons were concerned and were convicted.

24. This case was a regular garotting case; two young men attacked an old man, one almost choking him whilst the other cut away his putsoe in which the money, the object for the crime, was.

25. In the other two robberies there was no arrest made or persons brought to trial, there being no clue to go on.

26. There was one case of rape sent up for trial by the Serjeant of an outlying station which should never, and had the Superintendent of Police been present at Head Quarters at the time, would never have been sent to the Court as a rape. The woman on arrival before the Magistrate deposed that the accused had never raped her and that she never charged him with rape before the Police Serjeant, which was corroborated by other witnesses. The Police Serjeant was punished for this conduct.

27. There was not a single case of Dacoity during the year.

28. There was one offence relating to coin in which 2 men were concerned, they tried to deceive a poor half blind old woman by imposing ½ anna pieces quicksilvered over for rupees. They were arrested and convicted.

29. There were 337 cases of Theft against 210 in 1867, increase owing to re-establishment of opium in the District.

Of these 337 cases 163 or 48.3 per cent were brought to trial in which 199 persons were concerned, of whom 147 or 73.8 per cent were convicted; in 1867, 109 cases or 51.9 per

cent were brought to trial, so in the detection of theft, there has been a deterioration of 3-6 per cent.

30. There is an increase of 3 cases of receiving stolen property in 1868 over 1867—a usual occurrence with an increase of Thefts.

31. The total value of stolen property has increased from Rs. 9,679 to 11,787 and the percentage recovered has decreased from 16.03 to 15.2—a slight deterioration.

32. The rules regarding the keeping up an Alphabetical Register of conviction of certain offences have been carefully attended to.

33. The registers and books of the Subordinate Magistrates have been inspected and found to be neatly and correctly kept. They were examined by the Magistrate as opportunity offered.

34. The Records are all carefully arranged and those that have been kept the required length of time have been destroyed in presence of the Magistrate and after inspection by him.

35. There are no Honorary Magistrates in the District.

36. In conclusion, it only remains to make favorable mention of the assistance the Magistrate has received from the several subordinate Magistrates who one and all performed their Magisterial duties to his satisfaction.

37 Extra Asst. Commissioner Moung Shwè Dike Kay received the Power of 1st class Sub: Magistrate during the year and has consequently been of much greater use to the Magistrate than before in Criminal matters.

Moung Shwè Dike Kay is a clear headed, hardworking Magistrate and worthy of favorable notice.

38. Moung Na Hto Shwè, Extra Asst. Commissioner Ramree, is also a very good Magistrate, forms a sound opinion in the cases before him and fully fitted, if not too exceptionable, for increased Magisterial powers.

39. Extra Asst. Commissioners Hla Htoon Oung and Hhoung Tha Oo performed their Magisterial duties satisfactorily

SUPPLEMENTARY REPORT

OF THE

DISTRICT MAGISTRATE OF RAMREE

For 1868.

Dated Ramree, 2nd March, 1869.

ON THE WORKING OF THE WHIPPING ACT.

I. The number of persons whipped being so few I had no further remarks to offer except those in para 7 (Local) and para 15 (Administration) of my reports, I have no further comment than perhaps that the Act might be more extensively extended to other offences such as, ordinary, causing hurt, and mischief, such as cattle wounding.

GAMBLING ACT.

II. There were only 12 cases under the Act on prosecution of 57 persons which did not give any great scope for comment, as stated in report for 1867. I still think the Act in its entirety would be beneficially extended to the whole province and not confined to certain limits thereof—the limits to certain bounds I think tends to increase gambling as the Act is inoperative beyond those limits unless carried on openly in a public place.

STAMP ACT.

III. Owing to fees for service of processes in petty Criminal cases, having been done away with from 1st August 1868, no appreciable opinion can be formed on the effect of the Stamp Act in 1868 on petty criminal cases, because the stamp duty is much less than what the fees used to amount to, and therefore the R 1 Stamp would not show as yet as a deterrent tho' in time it may do so. The duty annas 8 under last Clause 10 Schedule B, Act XXVI of 1867, has not effected petitioning seemingly, and I don't think this taxation much felt or at all oppressive.

REPORT

OF THE

DISTRICT MAGISTRATE OF SANDOWAY.

FOR 1868.

1 Statement No I to VIII
2 Statement showing Whipping Cases
3 Statement A & B Whipping Cases
4 Statement C Appeal from Whipping Cases
5 Statement B Statistics of Criminal Justice
6 Statement C Duration of Cases and detention of witnesses
7 Statement of Criminal Sentence to 7 years and upwards

The Annual Criminal Statements of this District for the year 1868 as per margin are submitted herewith together with a report drawn up in the prescribed form.

Captain W. W. Pemberton held the Office of Magistrate of the District throughout the year.

Moung Thadoway, Extra Assistant Commissioner, 2nd class, was the Subordinate 2nd class Centre Division from 1st January to 12th January, and from 14th March to 31st December.

Moung Shwè Boo, Extra Assistant Commissioner, 3rd class was Subordinate Magistrate 2nd class for the Northern Division throughout the year, and likewise officiated in the Centre Division during Moung Thadoway's absence from 13th January to 13th March.

Moung Kyahoung, Extra Assistant Commissioner 3rd class, was Subordinate Magistrate 2nd class for the Southern Division of the District, throughout the year.

Of 321 crimes ascertained to have been committed, 263 cases were brought to trial involving 503 persons, of whom 346 were convicted and 157 acquitted including 18 persons against whom the case was withdrawn.

The wounded cases pending at the close of the year.

All Appeals from the Subordinate Magistrates were likewise disposed of within the year

The Diary of attendance of witnesses as compared with the year 1867 was as below —

Before whom	Year	No of Witnesses discharged in 1 Day	2 Days	3	4	5	6	7 Days and upwards	Total Witnesses
Dy Commissioner	1867	305							305
	1868	265							265
Extra Assistant Commissioner 2nd Class	1867	285							285
	1868	339	4						343
Extra Assistant Commissioner 3rd Class, North Township	1867	185							185
	1868	166							166
Extra Assistant Commissioner 3rd Class, South Township	1867	118							118
	1868	131	6	3					140
Total	1867	893							893
	1868	901	10	3					914

The committals, convictions and acquittals in Non-Bailable and also in Bailable crimes are shown below —

	Non-bailable		Bailable		Total	
	1867	1868	1867	1868	1867	1868
Committed	1				1	
Convicted	52	55	309	291	361	346
Acquitted	29	26	127	131	156	157
Total	82	81	436	422	518	503

The percentage of acquittals was last year 30 1, this year it is 31 2

The general analysis of acquittals is similarly shown—

SMALL CASES	1867	1868
Complaint withdrawn ..	4	18
Acquitted .	152	139
Total	156	157

No persons died under trial.

The persons brought to trial during the year appeared according to the following datail —

	1867	1868
1 Attended on Summons	247	215
2 Apprehended by Warrant	14	13
3 Sent in by Police	257	275
Total	518	503

The following Comparative Statement shows the average duration of cases during the years 1867 and 1868.

	1867	1868
Deputy Commissioner	4 36	3 45
Extra Assistant Commissioner 2nd Class	1 36	1 77
do do 3rd do. North Township	1 25	1 30
do do, 3rd do South Township	2 17	3 30
Total	2 28	2 53

Shows a slight falling off in the expedition in disposed of in the Court of all the Subordinate Magistrates.

The result of the Appeals from the orders of the Subordinate Magistrates preferred to the Magistrate is shown below

Name and official Designation.	Appeals preferred.	Rejected.	Confirmed.	Reversed.	Modified.
Extra Assistant Commissioner 2nd Class ...	7	1	4	1	1
Offig. Ex. Asst. Commissioner 2nd Class ...	0	0	0	0	0
Extra Do. Do. 3rd Class, N. Township ...	3	1	1	1	0
Do. Do. Do. 3rd Class, S. Do. ...	1	0	1	0	0
Total ...	11	2	6	2	1

Statement of cases tried by the Magistrates under their special powers according to Act XV of 1862, is given below :—

Name of officer vested with special powers.	No. of cases decided under special powers.	No. of cases referred for confirmation of sentence.	No. of referred cases which were preferred	Sentence confirmed.	Sentence reversed.	Sentence modified.
Captain W. W. Pemberton...	8	0	0	0	0	0

The number of persons punished under the Whipping Act, (Act VI of 1864,) is shown below :—

	On first conviction.	On second conviction.	In addition to other punishment on second conviction.	Juvenile offenders.
Up to 10 Stripes	0	0	0	0
Up to 20 Stripes	1	0	0	0
Up to 30 Stripes	0	0	0	0

The Subordinate Magistrates appear to get through the work fairly, the present officiating Deputy Commissioner has not yet had time to form a correct estimate of their judicial powers—that opinion of the late Deputy Commissioner is given in his last report.

There has been little crime of a violent nature. One Robbery in which the parties were not brought to trial, and one Murder, for the purpose of robbery, committed towards the close of the year upon a broker of silk goods by his coolies who escaped except one who has not been yet brought to trial, as the only witness is not yet fit to give evidence.

In the month of March a man was found murdered on the Prome road but no clue has been found to lead to the discovery of his murdurer.

Three cases of Rape have been brought to trial but none of them proved, the number of Thefts committed is 107 of which 53 cases only were brought to trial. There has been no Superintendent of Police here for the last ten months of the year, the Deputy Commissioner Captain W. W. Pemberton having been in charge of the force.

Mr. Banbury is an intelligent, painstaking young Officer, and was of much assistance to Captain Pemberton.

The Subordinate Police are very ordinary indeed. The writer has examined the Criminal Register of the Court of the Extra Assistant Commissioner 2nd Class and found them in order, the Court records are filed up to 1868.

SUPPLEMENTARY REPORT

OF THE

DISTRICT MAGISTRATE OF SANDOWAY.

For 1868.

Dated Sandoway 1st March 1869.

—oo—

As to the working of the Whipping Act.

There was only one case of punishment under this Act, that of a Juvenile Offender who for a first offence of theft was sentenced to 15 stripes without extra punishment. The whipping was administered within the precincts of the Gaol in the presence of the Magistrate and of the Civil Surgeon.

Gambling Act.

There were 13 Cases tried last year involving 99 persons of whom 82 were convicted and 17 acquitted against 16 Cases comprising 142 persons of whom 117 were convicted in the previous year. This falling off does not unfortunately indicate any diminution of the practice of gambling, for, owing to the misconduct of a Police Officer the vice was permitted to flourish unchecked and undetected in this Station for some time. The greater number of Cases tried were under Section 13 of the Act.

Stamp Act.

The new Stamp Act works well, as respects the provisions applicable to papers filed in the Criminal Courts, and does not appear to have any effect in reducing the numbers of prosecution in petty Criminal Cases. I do not believe that the tax of one rupee on complaints not cognizable by the Police hinders in any way, the bringing forward of just com-

plaints, while its tendency is to stop such as are trivolous and groundless. No prosecutions under the Stamp Act have been instituted in this District during the year.

The Criminal Records are all arranged up to the end of 1858 and are put up in separate bundles for each year and kept in substantial wood presses or boxes.

The Alphabetical Register required by Circular No. 5 of 1865 is made up as far as the year 1867 and is in good order and the registers of convictions are kept with regularity and are up to date.

Discrepancy pointed out in memorandum on the examination of Criminal Returns for the year 1868 *between the number of persons ordered to give security for good conduct, A Statement III and persons convicted of bad livelihood in Statement I.*

Statement I is correct. No person was sentenced to security or recognizance to keep the peace. An amended Criminal Statement No. III is submitted.

REPORT

OF THE

SUPERINTENDENT OF HILL TRIBES NORTHERN ARAKAN.

For 1868.

From J Davis Esqr Superintendent of Hill Tribes, Northern Arakan, to the Commissioner of Arakan Division, Akyab, No. 4 dated Koladan, 15th January 1869

I have the honor to submit a few remarks on the Criminal Returns for the year 1868.

2. It will be seen from the Returns that there have been a very few cases during the year, the reason is that crime is rare amongst the hill people. A large portion of the offences recorded in the Returns were committed by Arakanese who were not permanent residents of the Hill District.

3. The prevalent crimes amongst the hill people are Dacoity and dealing in Slaves, and of these there have been only two cases during the year.

4. The following are the principal offences committed during the year.

1.—Yo-Oung a Khoomee Chief residing on the Koladan above Dalek-Mai was apprehended for having committed dacoity in the Chittagong District some years ago, and immediately on being arrested he incited the Khoomees belonging to his clan to rescue him from the police The consequence was that a large number of Khoomees surrounded the Stokade at Dalek-mai and a few shots were exchanged with the Police, but fortunately no one was wounded. Yo-Oung has been sentenced to two years imprisonment for abetting the commission of an offence by more than ten persons.

2.—There was one case of murder in which two hill men Younghan and Booken were charged with having murdered an Arakanese for the purpose of robbing him of a few rupees. The

evidence at first appeared to be strong enough to commit them to the Court of Sessions, but they were released by that Court for want of sufficient evidence.

3. DEALING IN SLAVES.—A Khoomee residing on the Mee-Khyoung was charged with habitually dealing in slaves with the Khoung-Tso tribe, but the offence could not be proved.

4. DACOITY.—There was only one case of a person belonging to a band of dacoits. One Nga-Mai a Khyoung-Tha was committed to the Court of Sessions on the above charge and convicted. It appears that Nga-Mai was a resident of Tan-Hlsaik on the Koladan and went over to the Chittagong District for the purpose of raising a band of dacoits On arriving at the Khyoung-Tha Chief Koung-Hla-Phroo's village, he prevailed on the Chief Phoongyee of the village to join him and give himself the title of Meng-Loung. The Phoongyee with Nga-Mai and a large number of followers came into this District and demanded provisions from the Line-Kine Khoomees. The Khoomees on hearing that the Phoongyee was a dacoit went and attacked his camp and drove him out of our district.

5. Nearly all the other offences shown in the Returns were committed by Arakanese from the Akyab District and are not of importance.

REPORT
OF THE
DISTRICT MAGISTRATE OF RANGOON.
For 1868.

—oo—

1. This year is a bad one for crime, the total number of cases reported is 1,718 against 1,487 in 1867, showing an increase of 231 cases or over 6 per cent. The various crimes will be detailed and in those of a heinous nature it will be carefully noted how they were brought to light and the culprits arrested, property recovered &c., whether thro' the activity and detective powers of the Police, or whether thro' the agency of the sufferers themselves, or others not connected with the Police.

Cases.
In 1867—1,487.
1868—1,718.
Increase 231.

2. First then, Murder, 9 cases reported—shewing no increase or decrease as compared with 1867. Of the 9 cases, 5 were brought to trial.

MURDER
Cases.
In 1867 9.
„ 1868 9.

In the 1st case a Chinaman was knocked down by some Burmans in the village of Tsiping, Syriam Township—a brother Chinaman pointed out 5 men who had been quarelling with the deceased, but there was not evidence against the accused; four men were released at once, one was proceeded against but the case fell to the ground for want of evidence. The Goung who resides in the village could not succeed in tracing the perpetrators, the village is a small one, the inhabitants all related; doubtless this accounts for evidence not being procurable—in this case then the friends of the deceased pointed out the supposed murderers and the Police arrested them.

In the second case a man murdered his sister-in-law for interfering with him when quarelling with his wife—the murderer was arrested by the neighbours and made over to the Police the murderer was hanged

In the 3rd case, a Chinaman was returning from a trading expedition in a large boat, he was shot while steering the boat, the boatmen were suspected but no evidence of any kind was brought against them—the Police reported that one of the boatmen had agreed with 3 men unknown that the attack should be made, but they brought no evidence whatever to support this assertion—the perpetrators have not been traced.

In the 4th case a woman murdered her husband while he was asleep in the house, she dragged the body to the river bank close by and threw it into the river, some days after this a dead body was seen floating about; an elder of the village where deceased lived having missed deceased took steps at once to inspect the body—he inspected it and recognized the body as that of Sayagalay, he reported the fact to the Police Serjeant, who deputed two Constables to accompany the village elder and search the residence of deceased, search was made, and buried under the house were found bloody cloths &c—the wife confessed to the crime, was found guilty and hanged, the village elder who searched for the deceased when he heard of a body floating about a neighbouring creek deserves credit in this case.

In the 5th case a man murdered his wife at Yandong, it appears she was unfaithful—the murder was committed in open day and the murderer was arrested by the villagers and *made* over to the Police—he was hanged.

3. We have then 9 cases of murder, 5 brought up all thro' assistance rendered by villagers; in no case was an arrest made by the Police, neither have they traced a single murder committed during the year. In the 5 cases 12 persons were brought to trial, the perpetrators 3—committed, convicted and hanged—9 acquitted. One case remains in the pending column and has been so for 5 years—the perpetrator of the murder being an insane. This insane has no relatives or friends who will take charge of him. There are still 4 murder cases to be noted where no arrests have been made.

In one case a man was found murdered near Shan-Tho-Gyee in the Twantay Township—he had with him 10 Rupees in silver, 3 Rs. in copper and a pair of nga-dongs—his murderer or murderers were never traced.

The second case occurred in July at the village of Kyouktan, Twantay Township—one Tsan Dong stabbed a woman who had refused to marry him, and also stabbed her mother, who died from the wound. The murderer escaped, and has not been heard of since.

The third case occurred also in July—a native of India was resting under a kyoung, at Kyong-gong village, Yay-tho Circle, where he was joined by two Burmans who remained with him—about midnight the Burmans attacked and robbed the Native of India, an alarm was given and the two Burmans escaped and have not been traced since.

In the 4th case, a Burman murdered his wife at Thaybyew village, Myontaga Circle, Hlyne Township, while she was cutting paddy—he immediately absconded and has not been heard of since; as noted above the Police have done nothing towards tracing the murderers in these cases.

4. In this case one Nga Tong and his family were attacked by a gang of Dacoits at Kambai, about 2 miles beyond Magistrate's jurisdiction, about midnight. Nga Tong and his wife were both wounded, the latter mortally—the dacoits were not traced, they carried off upwards of one thousand Rupees worth of property, no arrests were made at least a suspected man was detained but no one was brought up for trial.

DACOITY WITH MURDER.	Cases	Persons
In 1867	1	"
" 1868	1	"

5. Five Cases of Culpable Homicide, 8 persons concerned, against 3 cases and the same number of persons in 1867. One case with one person was committed to the Sessions—the accused was sentenced to 1 year's rigorous imprisonment, 2 were convicted by the District Magistrate and 5 acquitted—37 per cent convicted, 62 per cent acquitted

CULPABLE HOMICIDE	Cases	Persons
In 1867	3	8
1868	5	8
Increase	2	0

6. The particulars of these cases are as follows :—

In the first case, two Burmans were out shooting—one shot the other by accident—the unfortunate man who fired the fatal shot was released.

In the 2nd case—two Burmans disputed about a debt which ended in one attacking the other—great provocation

was given by deceased who attempted to stab the accused. Accused in self defence took a spear and in using it accidentally killed deceased. He was immediately arrested by the *villagers* and made over to the police who sent him up for trial.

In the 3rd case a groundless charge was brought up against three natives charged with having caused the death of another native—no evidence whatever was produced against the accused who were released. It appeared on the trial that deceased had been struck about a month before his death by one of the three accused—but there was no evidence produced to shew that he died from the injuries inflicted on that occasion.

In the 4th case a man met his death from a blow given with a board during a quarrel—the origin of the quarrel was a family dispute, the man who inflicted the blow was arrested by the *bystanders* and made over to the Police.

In the 5th case again, a sudden quarrel about certain mats —one man in an angry moment struck the other, the blow proved fatal, the accused gave himself up to the village Goung and was subsequently made over to the Police.

Now all these cases were simple ones, Police Agency was scarcely required and to acknowledge them as arrests by the Police or sent in by the Police to swell the column shewing arrests by Police would be ridiculous.

7. In 1867 3 cases and 20 persons were reported and brought up, during the current year 5 cases were reported and only 1 case with 4 persons brought to trial—they were acquitted. In the other cases no persons were arrested. We have therefore 5 cases of grievous hurt committed during the year, in four of which not a single culprit was brought to justice, 2 cases and 2 Persons* are pending and have been so for three years.

VOLUNTARILY CAUSING GRIEVOUS HURT	Cases	Persons
In 1867	3	20
„ 1868	2	1
Decrease	2	18

8. During the year under review 399 cases were reported as having been committed and 371 were brought to trial—in 1867 311 cases were reported and all brought to trial. The Deputy Commissioner regrets to say he cannot accept the returns as true—from these returns is it to be inferred that every

THEFT INCLUDING CATTLE THEFT	Cases	Persons
In 1867	311	668
„ 1868	371	636
Increase	60	68

* Insanes

case was to a certain extent traced (except 28,) in this year and every case last year? The Deputy Commissioner fears that it is only when arrests are made that reports follow—631 persons were brought to trial, only 283 were convicted, leaving 3 pending, and 350 acquitted—convictions 45 per cent—acquittals 55 per cent. In 1867 568 persons were brought to trial, 274 were convicted, leaving 5 pending and 291 acquitted, convictions 48 per cent, acquittals 51 per cent.

The Magistrate will now make a few remarks on the Theft cases disposed of before his Assistant at Rangoon and himself.

In case No. 19 a man was robbed of his bullock—he searched for and found it and traced the thief who was convicted.

In case No. 25 Theft from a Boat at Ngyoungdoon, a Police Constable and two residents were concerned in the Theft from a Boat.

In case No. 28 two men had come to Rangoon from Pegu. One robbed the other of 405 Rupees—the man who was robbed offered a villager Rupees 200 if he traced the thief, he did so and followed him up; the trader's friend arrested him and recovered the money.

In case No. 34 a man was drunk, he lost 10 Rupees and a ring, he suspected a comrade had robbed him, searched the house where the comrade resided with the consent of the house owner, found his property.

In case No. 36 a man was robbed on the high road—he followed the thief and with the assistance of a traveller on the same road arrested him.

Case No. 44, a case of Theft of wearing apparel and silver ornaments, 2 men charged with the offence, one convicted and the other acquitted, arrest made by the Police on information lodged by the sufferer who suspected one of the culprits (the man convicted)—from the facts of his being a bad character and having visited the house from which the property was stolen during the day of the night the theft occurred—a small portion of the stolen property recovered—grave suspicion attached to the man acquitted but as evidence was wanting, the presiding Magistrate directed his discharge.

CASE No 45.—Four Buffaloes were stolen from Atone Village, Pegu Circle, for which 3 men were arrested by the Police and brought to trial, but they were acquitted as the charge was not proved—Cattle recovered *by owners*

CASES No. 48.—A man was robbed at night—he jumped up and secured the thief.

CASE No 53.—Theft of wearing apparel from a woman residing in Tadagalay Village, Hmaubee—Property identified by the owner in a stall in the Puzoondoung Bazar where it was exposed for sale. The perpetrator of this theft is an old offender and has been convicted of theft in a former case. He was recognized by the stall keeper to whom he had sold the articles and has since been convicted of the offence

CASE No. 57.—Theft of a boat—2 men charged and brought in by the Police, one convicted and the other acquitted—arrest of culprits made by the Police 17 days after commitment of offence, on information furnished *by owners of the boat who went in search of their property and recovered it.*

CASE No. 58—CATTLE LIFTING—2 Bullocks were stolen from a cultivator residing in Pop-Tha village, Hmaubee—thief arrested by 4 villagers the following morning in the jungle—bullocks recovered.

9. 2 cases brought up, there was no foundation whatever for one case, and House-tres pass, if any crime at all, was committed in the second

RAPE

	CASES	PERSONS
In 1867	16	19
„ 1868	2	2
Decrease	14	17

10. 23 cases of Robbery reported as committed against 8 in 1867. Out of the 23 reported, 9 were brought to trial with 25 persons; of whom 10 were convicted and 15 acquitted

ROBBERY

	CASES	PERSONS
In 1867	8	30
„ 1868	23	25
Increase	15	Decrease 5

In the 1st case tried No. 1, a house was attacked and the inmates robbed—a serjeant and Kyay-dangyee traced the case—two men were sentenced—one a Policeman, in whose possession a portion of the property stolen was traced

In Case No. 16.—A Cattle dealler was attacked, he recognized the robbers "Kareen Nees" who were arrested by the villagers—the robbers were all convicted.

In Case No. 22.—A man was travelling to Rangoon—he met two men in a Zyat, who followed and robbed him—the traveller reported to the Goung when these men were last seen, the Goung traced the men and arrested the accused who were convicted.

In Case 23.—A house was attacked but the villagers were afraid to render assistance ; one man was brought up on suspicion, his name having been mentioned by one of the female inmates of the house—he was acquitted.

In Case 24.—Four men have been brought up charged with robbery—those attacked named certain persons who were arrested, but they were acquitted—the perpetrators have not been traced.

In Case 38.—Two natives were attacked in their houses—they declared that they could point out the robbers—they pointed out two men—the Magistrate was not satisfied with their guilt and discharged them under Section 225.

Case 63.—Was a similar case—Natives swore to certain men whom they caused to be arrested—a careful trial resulted in their full acquittal.

In two other cases natives were robbed—they pointed out residents of villages in which they themselves resided—the accused were acquitted.

In the other 14 Cases no arrests of any kind were made, at least no accused were sent up for trial.

11. In this case a man's house was attacked, and property valued at 1,664 carried away, and his wife murdered—two men were arrested on suspicion but the Police could bring no evidence whatever against them.

DACOITY WITH GRIEVOUS HURT	Cases	Persons.
In 1867	1	2
„ 1868	—	—

12. 21 Dacoities were committed, 3 were brought to trial in 1867, 12 in 1868. The particulars of the cases are as follows :—

Case No. 2—A house was attacked by a gang of Dacoits, the inmates or rather one of them swore to certain

DACOITY.	Cases	Persons
In 1867	3	10
„ 1868	21	53
Increase.	18	43

individuals who were arrested—on the trial it was found out that the witnesses had only stated that the arrested persons were *like* the Dacoits, the accused were released—value of property plundered about 60 Rupees, not recovered.

CASE No. 3.—Some thatch-cutters were attacked at night in their encampment—two cloths were carried off and recovered, but the Dacoits were not traced.

CASE No. 10.—A well to do man living at Bo Gyok, Syriam, was attacked by a gang of Dacoits who carried off property valued at Rs. 2,147 the man who was attacked swore to certain men as being the Dacoits; he named them—they were arrested—they clearly proved their innocence, 6 men committed the Dacoity—one of the Dacoits was wounded—the Deputy Commissioner records here remarks made at the time in the case :—

"The Police should by this time be able to give an ac-"count of Nga La (supposed to be wounded) and the men "named by accused Mee Mein Dway; it appears to me very "unsatisfactory that 6 men should be able to evade the police "so easily and that men who did not commit the Dacoity "should be arrested—had the police been careful in enquir-"ing about dâhs they would have discovered that prisoners "before the bar could not have committed the Dacoity, and "that it was probable that the persons named by Mee Mhin "Dway were really the Dacoits."

In case No. 14—Some travellers, returning to Upper Burma, were robbed of 700 Rupees by a gang of Dacoits. On information given by a goung some 7 men were arrested, but they were acquitted.—travellers had left for their homes and consequently none of them could be examined—nothing recovered.

In case No. 15—A native living at Syriam was attacked by a gang of 5 Dacoits ; his property valued at 55 Rupees was carried off—4 men were arrested, but sufficient evidence was not produced—the assistance of the village Goung was called for—on his way to the scene of the attack, his party came on five men, who ran off leaving a box and musket behind—4 men were arrested but it was not proved that they were the Dacoits

In case 30—A trader was attacked while his boat was lying at anchor near Bogalay Nyit and property valued at 131 Rupees carried off; the case was reported to the Police. While the man robbed, in company with a Policeman was searching a boat on the neighbouring creeks for the Dacoits, they came on a large boat and boarded it to cook their food; by a bit of good fortune they had accidentally boarded a boat in which the plundered property was concealed—the occupants were arrested—it turned out that they had a small boat and had come down from Rangoon to cut dhunee but apparently they had come down to rob.

Case 31. In this case two persons were charged with Dacoity committed in 1866—the accused were discharged, there being no legal evidence against them.

Case 37. Was a river Dacoity—two natives were attacked by 5 men—770 Rs. worth of property carried off. The Dacoits were not arrested—and none of the property recovered.

In case No. 43,—a trader was travelling up the Pegu river when his boat was attacked about day-light—he was robbed of 30-4-0 Rupees worth of property—a man gave information to the Police which lead to the arrest of two men. One man was sentenced for Dacoity, and the other for having property in his possession acquired by Dacoity.

In case 54,—a house was attacked by a gang of 6 Dacoits. The owner recognized two men, whom he knew before—gave their names to the Police—they were arrested—confessed and were convicted—35 Rs. value of property carried away, not recovered—with such a clue the Police should have traced the other four—they did not.

Case No. 56—Same as Case No. 15—two men were arrested, but no evidence produced.

In Case 60.—The Myooke of Pyapong sends up a man charged with river Dacoity—evidence was insufficient—this case was not reported by the Police.

13. In the first case a young lad stabbed a man with the evident intention of causing death—the Magistrate was convinced that he had been hired to kill the victim, by a well known bad character; jealousy about a woman was the cause.

ATTEMPT TO COMMIT MURDER.

	Cases.	Persons.
In 1867 ..	..	..
,, 1868	2	2

In the second case a man attempted to murder his wife—she remained in a precarious state for some months—it was generally supposed that she would die and the Magistrate deferred committing until the result of the wound was known, however, as the case remained pending the Magistrate committed the accused, who was sentenced to transportation for life.

14. Before all the Courts 1,082 cases were heard against 1,050 last year—2,094 persons against 1,824—18 cases in which 33 persons were alleged to have been concerned remained pending at the close of the year—470 were convicted, 22 per cent—1,639 were acquitted—78 per cent—in this number is included 358 persons against whom the cases were withdrawn. "Insult" and "Assault" show alone 637 or more than half the Bailable Offences brought to trial. "Criminal Trespass" and "Mischief" make up 187 cases, leaving only a few cases under other heads. The cases require no particular notice—the petty cases above noted are generally brought on angry moments before the Myo-Okes.

BAILABLE OFFENCES.

	Cases.	Persons.
In 1867	1,050.	1,824.
,, 1868	1,082.	2.094.
Increase ..	32	270.

15. Gambling, 43 cases were heard under Act 3 of 1867 against 48 last year—Gambling Act only extends to Yandoon and Pegu. The Deputy Commissioner thinks that it would be as well to extend it generally. Gambling is carried on extensively by Burmese and the result is they rob more.

LOCAL CRIMES, GAMBLING.

	Cases	Persons.
In 1867	48	402
.. 1868	43	299
Decrease	5	103

16. These Rules are now Law—81 cases in 1868 against 24 in 1867—there are some licensed Farms in the District and consequently illicit sellers are watched more than formerly by those interested in the licensed Farms.

BREACH OF ABKAREE LAWS.

	Cases	Persons.
In 1867	24	36
.. 1868	81	105
Increase	57	69

17. 18 Cases were brought up this year, only 2 in 1867.

BAD LIVELIHOOD.

	Cases	Persons
In 1867	2	2
„ 1868	18	52
Increase	16	50

In his visits in the interior, the Deputy Commissioner has caused suspicious characters invariably to be brought up—he frequently when halting at villages found letters thrown into his tent signed by several respectable inhabitants complaining of certain residents of the village, pointing to them as thieves; the elders however feared reporting them openly and the Police appear to be either ignorant of these facts or were not inclined to bring them up before the Magistrate under Section 295 Criminal Procedure Code.

STATEMENT No. II.

18. The District Magistrate disposed of 119 cases and 280 persons—147 were convicted and 133 acquitted—convictions 52 per cent acquittals 47 per cent.

19. The subordinate Magistrates disposed of the remaining 1,532 cases; there were pending 25 cases—no cases were pending before the District Magistrate; 3 are shewn but persons connected with them are insanes.

STATEMENT No. III.

20. The Magistrate sentenced 24 persons under Act XV of 1862 to imprisonment for terms varying from 7 to 4 years and the remainder under the Penal Code.

STATEMENT No. IV.

21. 2,361 witnesses were examined by all the courts during the year—no witnesses were detained for more than three days.

APPEALS.

STATEMENT NO. VI.

22. 21 Appeals were preferred from all the Courts; the greatest number were from Mr. Lonsdale's Court. He received full powers under Section 22, of the Code of Criminal Procedure on the 16th September 1868. 9 Appeals were preferred—in only 3 were his sentences upheld. In one case sentence was modified—in 3 reversed, 2 were returned for re-

investigation—not satisfactory. The fewest Appeals were from Lieutenant Evanson's Court—only one, where his sentence was upheld.

STATEMENT NO. VIII

23. Before the Magistrate 119 were tried—the average is 11 days against 10 days last year. 54 Cases were disposed of in one day. In the 6 Cases pending more than 45 days—5 were cases brought in during the absence of the Magistrate in the District, and as regards the 1 case pending from over 91 days, the Magistrate has to report that he delayed trying the case which was one of "Attempt at Murder;" because the woman who had been stabbed by her husband was the chief witness, she lived some distance from Rangoon and it was periodically reported (every 15 days) that she would probably die—her declaration had been recorded by a Magistrate—she lingered on and Magistrate would not defer the trial any longer, the husband was transported for life, the woman still lives. The other cases have been disposed of within a reasonble time and remarks do not appear necessary.

GENERAL REMARKS.

24. The Magistrate has gone fully into each case and reported on each Statement—he has however to bring to notice with reference to Statement No. 1 Column 8—that in the figures in this column, those persons arrested under Section 153 Code of Criminal Procedure, are not shown; they amount to a large number, 438 persons—all these persons were arrested and released on Bail by the Police—a Memo is drawn up shewing the cases for which these persons were arrested:—

Murder.	Dacoity.	Causing grievous hurt.	Kidnapping &c.	Rape.	Theft.	Robbery.	Belonging to a wandering Gang &c.	Receiving stolen property &c.	House Trespass.	Suspicion of being an escaped prisoner.	Extortion.	Affray.	Cheating.	Omission to assist a Public servant.	Mischief by killing animal.	Escape from Gaol.	Criminal force.	Negligence with fire.	Enticing away a married woman.	Adultery.	Insulting modesty of woman.	Mischief.	Misappropriation of property.	Bad livelihood.	Assault.	Omitting to give information.	Rioting.	Harbouring an offender.	Total number of persons.
5	37	26	2	20	222	22	1	3	14	2	8	11	6	1	3	1	22	2	1	1	1	6	1	6	6	2	4	2	438

25. In the remarks on Statement No. 1 the facts of each case are all fully noticed, the result is any thing but creditable to the Police force—who shew a melancholy incapability of tracing any Crime at all. The Magistrate has recorded his views regarding the Police in general on a Memorandum dated 8th February 1869 and feels that he has nothing to add here; in his Memorandum certain assertions are made, and in this Report the facts brought to notice fully support the arguments brought forward in the Memorandum referred to.

REPORT

OF THE

TOWN MAGISTRATE OF RANGOON.

For 1868.

I. During the year 1868 the Town Magistrate's Court and office was in charge of Major A. G. Duff, with the exception of a few days, when, owing to his unavoidable absence, the Deputy Commissioner sat for him.

State of the Files

II. As will be seen by the annexed Table. 4,682 persons in 2,246 cases were charged before the Magistrate during the year under review, showing an increase over the previous year of 307 persons and 184 cases:—

Years	Cases.	Persons.
1866	1,470	3,768
1867	2,062	4,375
1868	2,246	4,682

In the above, the abstract of three years shows, that there is a steady increase in the number of persons and cases brought to trial, or charged before the Magistrate.

While however in the previous year out of 4,375 persons, 897 were shown not to have been put on their trial—1,164 persons of the 4,682 shown in the above table were not brought to trial, the petty charges against them having been settled out of Court—there were therefore 10 more persons actually tried than in the previous year.

III. The annexed abstract shows the manner in which all persons brought to trial during the year 1868 were disposed of

Committed to Sessions	2
Convicted	2,589
Acquitted	873
In custody (pending)...	1
Transferred	9
Withdrawn	1,164
Pending on recognizance	42
Escaped	2
Total ...	4682

It will be seen from the above, when compared with the Abstract for last year, that while the total acquittals in the year 1868 decreased by 83, the convictions increased by 108.

Non-Bailable Cases.

IV. The annexed table of Non-bailable cases shows an increase of 69 persons, and 33 cases compared with the previous year—the manner in which persons brought to trial in such cases were disposed of, is shown below.

NON-BAILABLE CASES.

	1867	1868
	Persons	Persons
Committed to Sessions	7	2
Convicted	155	184
Acquitted	136	173
Pending	3	1
Transferred	0	9
Escaped	0	2
Total...	301	371

Comparing the returns of the two years, it will be seen that in 1868 both convictions and acquittals increased in these cases, but the number of acquittals increased in a greater ratio than the convictions. The cases in which the above number of persons were tried stand as follows, for the two years :—

	CASES.
1867 ...	236
1868 ...	273
Increase in 1868...	37

Of two persons set down as having escaped, one was charged with theft and escaping from the Lock—up under the late Magistrate's Court—jumped into the river and was drowned. The other absconded when on bail under the provisions of Section 212 Criminal Procedure Code, but was subsequently re-apprehended, and has since been convicted.

Bailable Cases

V. In Bailable Offences 1,974 cases and 4,311 persons were charged, but as shown in para. 2 of this Report, of this number 1,164 persons never appeared before the Magistrate, their cases being settled out of Court. The remaining 3,147 persons as compared with the previous year, were disposed of in the following manner.

BAILABLE CASES.

	1867	1868
Committed	1	0
Convicted	2,326	2,405
Acquitted	820	700
Pending	29	42
Transferred	1	0
Total...	3,177	3,147

Thus, after deducting the number of persons concerned in cases withdrawn, represented by 897 in the year 1867, and 1,164 in the year 1868, there was a small decrease. On the whole, 70 more persons were tried for Non-bailable offences, 30 fewer in Bailable cases.

Committals to Sessions

VI. The following Table shows that whereas 7 cases and 8 persons were committed to the Sessions in the previous year—in the year under review there were but two cases, in each of which one person was concerned.

	1867.		1868.	
	Cases.	Persons.	Cases.	Persons.
Unlawful return from transportation.	1	1	...	...
Culpable Homicide.	1	1	...	...
Murder.	2	2	2	2
Voluntarily causing grievous hurt.	1	1	...	...
Rape.	1	1	...	...
Theft.	1	2	...	...
Total.	7	8	2	2

as will be seen, they were both cases of Murder—one man, a native of Madras was convicted and hanged for murdering his wife; and the other, a Burman, was pending before the Sessions at the close of the year (since acquitted).

Pending Causes

VII. The annexed table shows the number of cases and persons pending trial at the close of the year—

	Cases.	Persons.
1867	23	32
1868	22	43

All these have been since disposed of.

Duration of Suits.

VIII. The average duration of suits has been the same as in the previous year—viz: one day.

Act XIII of 1859 Cases

IX. 12 Cases and 12 men were charged for breach of Contract—in 5 cases convictions were obtained, and 7 cases were withdrawn.

X. During the year 19 Appeals were preferred against the decision of the Magistrate—of these 15 were confirmed, 3 reversed, and 1 is still pending (since confirmed) in the Appellate Court—of the 3 reversed, one was for breach of Local Abkaree Rules which were held to be illegal, not having received Legislative sanction.

XI. The fines of the two years 1867 and 1868 are shown below :—

Fines.

Fines.	1867	1868.
Inflicted.	Rs. 30,115.8	Rs. 30,662
Realized.	Rs. 21,546.8	Rs. 24,999

an increase is to be seen in inflictions and realizations, more marked in the latter.

XII. The annexed table exhibits the nationality of accused persons charged before the Magistrate, compared with the two preceding years.

Nationality of Offenders

Table of Nationality of offenders.

	1866	1867	1868
Burmese	1,603	1,760	1,701
Chinese	116	234	206
Musselmen and Bengallies	219	796	788
Europeans and East Indians	50	154	218
Madrassees	1,640	1,308	1,677
Other Races	140	123	92
Total ...	3,768	4,375	4.682

From the above it will be seen, that fewer Burmans were brought up or charged before the Magistrate during the year under review—while the ratio of Natives of Madras (principally Coringees) have largely increased. A large increase is also shown against Europeans, but this is mainly attributable to the number of European Seamen brought up under the Merchant Seaman's Act.

XIII. The imposition of the Stamp Act, has, as already reported upon, had no material effect on the number of Summons Cases instituted, though there has been a slight decrease in these.

XIV. The Statement annexed, with the exception of items Nos 4 and 7 does not compare unfavorably with the previous year.

	1866	1867	1868
Murder	3	2	2
Robbery	2	5	2
Theft	176	171	183
Housebreaking of kinds	...	1	6
Receiving stolen property	26	23	22
Disposal of do.	...	...	2
Dacoity	...	...	3

The exceptions are Housebreaking and Dacoity—but in the former the accused were convicted in 4 Cases, while one of the cases of preparation for Dacoity, was the Cause Celebre of the Meingoon Prince's followers, already reported on.

XV. The following shows the number of offences ascertained to have been committed during the year, in which no one was brought to trial.

Offences ascertained to have been committed to those brought to trial.

	1867.			1868.		
	Cases.	Cases.	Dif.	Cases.	Cases.	Dif.
Murder	2	2	„	3	2	1
Attempt to commit Dacoity with murder	„	„	„	1	„	1
Theft	234	171	63	279	184	95
Robbery	8	3	5	7	2	5
Dacoity	1	„	1	5	3	2
Lurking house trespass	24	3	21	12	5	7

In the case of murder, the culprit committed suicide after killing his wife—the case of attempt at Dacoity with murder has been already reported upon, but this and the other cases of Dacoity were all committed on the River, or on its banks, the perpetrators evidently coming by boat.

General Remarks

XVI. Looking at the cases brought to trial, there has been no marked alteration as compared with former years, nor any that appears to call for special remark. As regards the actual state of Heinous crime there has been an increase of 1 murder, 1 attempt at Dacoity with murder and 4 cases of Dacoity and perparation thereof—but a decrease of 1 Robbery. The Dacoitees have already been remarked upon, they were all, with the exception of the Meingoon's case, isolated cases, on, or close to the river—the occurrences point to the necessity of a better, or rather a River Police, as at present there can scarcely be said to be any, but as this appears to be more connected with Police, than the administration of justice, the simple fact is here indicated. With these exceptions there has been no such increase in crime as for the increase of the population, and especially of the floating population—might have been excepted.

As to the ratio of acquittals to convictions, it appears that especially in such a place as the Town of Rangoon we must expect it to increase—for, as is well remarked in the Police Report of the Punjaub for 1867. "The difficulties of col-"lecting evidence is daily increasing all over India just in "the ratio that we are becoming more legal in all we do." But there is one thing which materially affects the administration of justice and which is so likely to bring our Courts in this country in equal disrepute with the Courts in India, and that is, the facilities now allowed for calling witnesses or rather the utter want of check on parties so doing—up to the beginning of September there was a Fee on every summons and subpœna. It is observed that the High Court of the Punjaub in their Criminal Report for 1867 recommended that some such fee should be imposed—yet at the very time this recommendation was made in that Province, the fees which had existed in this since our annexation, were abolished. There has not been time for the result of the measure fully to develope itself, but even already its effects are manifest although the number of persons tried for petty cases were smaller than in the previous year, the number of witnesses subpœned in such cases have increased by 223, and lists of witnesses extending to 15 and 20 are now very frequent. A small fee undoubtedly operates as a check on this sort of thing and the disgust created among all classes, by being often quite un-

necsesarily called as witnesses, and taken away from their proper avocations is in itself no small evil, but it is one which will increase rapidly and lead to another, viz. delay in the adjudication of cases, for, as the number of witnesses increase, so must the time occupied in each case—while the ability of the Magistrate to get through his file, will decrease, and the time witnesses will have to be detained will increase correspondingly—it appears much to be regretted that these fees were abolished, they were too small in amount to impede justice when there was wrong, but they did impede dragging parties from (under the pretence of seeking justice) harassing and annoying as many persons as they pleased.

In conclusion, it has only to be stated that the Police have on the whole performed their duties well during the year.

REPORT

OF THE

CANTONMENT MAGISTRATE OF RANGOON.

For 1868.

From W. G. Hughes Esquire, Cantonment Magistrate, .Rangoon, to the Commissioner of Pegu, No. 23, dated Rangoon 15th February 1869.

In forwarding the Annual Criminal Statements for the year 1868, I have the honor to report :—

1. The duties of the Cantonment Magistrate were performed by Major Duff from the 1st January to 2nd July and from 16th July to 1st December, and Captain Lloyd from 3rd to 15th July, and Lieut. Hughes from 2nd to 31st December.

2. During the year 572 persons were charged with offences as compared with 382 the previous year; this is a large increase and the most prominent reason that can be assigned for it is that under the present system the facilities for obtaining Summonses in petty cases are attended with more alacrity and less expense than formerly; the note marginally shows the difference in this Class of Crime for this year and last.

In 1867. 237 On Summons
In 1868. 259 On Summons

3. Of the 572 persons charged 68 were not proceeded against having compromised the cases or withdrawn them, of the 403 brought to trial 372 were convicted and 131 acquitted, and none were pending at the close of the year

4. Of the Non-bailable cases 32 persons were charged, of whom 16 were convicted and 15 acquitted, and 1 transferred for want of jurisdiction.

Of those charged with Bailable Offences 540 in number 356 convicted and 53 acquitted and 151 with-drawn or compromised.

5. There were none committed to the Sessions.

The average duration of cases was one day and detention of Witnesses the same.

Fines to the amount of Rupees 2,116 were imposed and all was realized.

	Cases	Persons	Convicted.	Acquitted.	Fines	
					Imposed	Realized
In 1867.	231	382	201	89	18134	18134
In 1868.	295	572	372	199	2116	2116

The table marginally noted shows the number of all cases brought to trial during the year persons brought to trial, fines imposed and amount realized.

General Remarks.

During the year 1868 there has been no crime of a serious nature, and the only thing approaching it were two Robberies, neither of which were accompanied by hurt, both occurred at the Shwè Dagon Pagoda during a large festival and in both cases only two persons were concerned—two prisoners were arrested one convicted and the other acquitted.

Theft cases during the year number 18 leaves an excess of 2 to the previous year.

Not having had an opportunity of watching the action of the Police I have abstained from offering any comments on that body.

The principal Act effecting the Cantonment which has been extended to British Burma during the year is the Cantonment Act which chiefly affords the Magistrate greater scope in dealing summarily with offences against Sanitary laws and against the convenience of the public.

REPORT

OF THE

DISTRICT MAGISTRATE OF BASSEIN.

For 1868.

1. The diminution in violent crime has been the most satisfactory feature in the year under review, and the following table will best shew the decrease in heinous offences during the past year.

1867.	No.	1868.	No.
Murder	8	Murder	7
Culpable Homicide ..	1	Culpable Homicide ...	3
Dacoity	33	Dacoity	19
Robbery	22	Robbery	22
Rape	9	Rape	9
Theft	735	Theft	653

2. The 33 cases of Dacoity reported 1867 included one case of Dacoity with murder, one case of Dacoity with grievous hurt, and 31 cases of Dacoity simple.

3. In 1868 there were 15 cases of Dacoity simple, two cases of attempt at Dacoity and two cases of Dacoity with grievous hurt. These two latter cases were in connection with the attack upon the Treasury, and are strictly speaking but one case, but the persons concerned having been divided, and sent up on two separate charges viz: 18 under section 395, and 16 under Section 121, they were recorded as two separate cases, but by the orders of the Government of India, these 16 were subsequently charged for Dacoity with grievous hurt and thus this case appears as two. This reduces the number of Dacoities to 18 against 33 last year which shows a decrease of 15 cases. The following table will briefly show the comparison between the crime of Dacoity and Robbery in the years 1867 and 1868 :—

1867.	No.	1868.	No.
Dacoity	33	Dacoity	18
Robbery	22	Robbery	22
Total ...	55	Total ...	30

4. The total number of offences Bailable and Non-bailable ascertained to have been committed during the year was 1,630—the number of each class of offence and the total, is compared thus with the previous year :—

Years.	Non-bailable	Bailable.	Total.
1867	943	840	1783
1868	792	838	1630
Decrease...	151	2	153
Increase	...	...	...

5:—This shows a total decrease of 153 offences of which two are Bailable and 151 Non-bailable offences, 15 as before stated, are cases of Dacoity, which leaves a balance of 136 Non-bailable cases less in 1868 than in 1867. This is a considerable falling off; and the decrease in the crime of Dacoity alone, is a subject of congratulation, as there are grounds for hoping that the decrease will be permanent and that Dacoity will not again assume the same frequency and prevalence. This decrease in Dacoity is entirely due to the active, and decisive measures adopted by the Deputy Commissioner, in conjunction with the Superintendents of the Rangoon and Bassein districts, for the suppression of the Dacoit gangs which have infested the Delta of the Irrawaddy for so many years back, and to whose continued existence have invariably been ascribed the number and frequency of crimes of a violent nature in this district. There was also another gang of dacoits led by a man known as the Taintay-Boh who with his principal supporter Myat-Tso was compelled to come in and surrender and the gang was finally broken up—they frequented the Northern portion of the district, and had been sufficiently long in existence to give an earnest of what might be expected of

them if not suppressed. Now, that the principal causes of dacoity have been removed, there are it appears, grounds for believing that the crime will cease to occupy such a prominent place in the criminal annals of the district. The following table will illustrate the truth of the belief that these gangs were the cause of the great amount of violent crime in this district and will also serve to show how nearly ¼th of the entire number of Dacoities committed during the past year took place before the final disbandment of these banditti:—

First half Year	No.	Second half Year.	No.
Dacoity.	14	Dacoity.	4
		Total	18

6.—A further proof is contained in the fact that of the 18 cases above alluded to 9 were traced to the river Gang under Shoay Moung, and 2 to the Taintay-Boh. One was the attack upon the Treasury which was an event of a completely exceptional character, leaving 6 Dacoities which were merely robberies of a less violent nature, but recorded as dacoities in accordance with the legal definition of the crime.

7th.—A detailed description of each Dacoity, Murder and Robbery will be given under separate heads for each crime.

8.—The Criminal Statistics of 1868 are contrasted in the following table with those of 1867:—

1867.	No. of Offences.	Persons tried.	Committed.	Convicted.	Acquitted.	Died.	Escaped.	1868.	No. of Offences.	Persons tried.	Committed.	Convicted.	Acquitted.	Died.	Escaped.	Pending. Cases.	Pending. Persons.
N. Bail.	943	654	7	356	287	..	2	NonBail.	792	803	18	466	311	1	2	5	5
Bail.	670	1,132	..	369	758	...		Bailable.	661	1,206		433	773	...	...	...	...
L. Laws.	170	612	..	462	150	..	..	L. Laws.	177	651	..	487	159		5	...	...
Total.	1,783	2,398	7	1,187	1,195	..	2	Total.	1,630	2,660	18	1,386	1,243	1	7	5	5
Decrease	153	..	..	..	..	..	..	Decrease.	..	...	..	..	...	.	..	...	...
Increase		268	11	199	48	1	5	Increase.	.	..	...	.	...	.	.	...	...

9. The proportion of persons brought to trial to number of offences; and proportion of persons convicted to number brought to trial is here shewn :—

	1867		1868	
	Percentage of persons brought to trial to No. of Offences	Percentage of persons convicted to persons tried	Percentage of persons tried to No. of Offences	Percentage of convictions to persons tried.
Non-Bailable..	69	55	98	60
Bailable..	48	47	45	49

10. *Dacoity* —:

1st.—On the 10th January 10 men armed attacked 3 houses at Gway-chyoung at the mouth of the Bassein river and took property to the value of Rupees. 712-11-3

2nd.—On the 19th January the same party attacked a house in the same village and took property to the value of 600 Rupees.

3rd.—A boat was attacked half way between Labootta and Myoung Mya by 16 men with 5 muskets—Rupees 793-8-0 worth of property stolen.

4th.—On the 5th of February 20 men attacked a boat near Nga Pootan taking Rupees 444-12-0.

5th.—On the 7th February, 17 men attacked a Boat 15 miles south of Kyoonpyatha taking property to the value of Rupees 166-4-0.

6th.—The same party on the same day attacked another Boat and took property to the value of Rupees 115-8-0.

7th.—At Aing-Saik near the Police Post of Quinyah 5 men attacked a house and took property to the value of Rs. 1-0-7. The owner of the house cut down two of the Dacoits and all 5 were subsequently arrested, 4 were convicted and one acquitted.

8th.—An old couple living in a temporary hut near Yay-joh-choung were attacked on the 26th of February by 5 men who took 54 Rupees from them. The Dacoits in this case were supposed to be villagers returning from a funeral.

9th—On the 16th March 5 men entered the house of a villager in Myet-Nee-Gwen near Pandau and took 127 Rupees, worth of articles. Five men were arrested but released.

10th.—On the 10th of March a Dacoity occurred in a trading Boat below Kyoonpyatha —13 men armed with muskets attacked a large trading boat and took Rs. 1,410.

11th—The same party on the 26th March committed a similar Dacoity in the same place—property taken Rupees 43-12-0.

12th.—On the 17th March 13 men armed with muskets and Dâhs attacked 3 Shan traders between Tin-ta-beng and Kyoonpyo, they fired at and slightly wounded one of the travellers and took about 1,000 Rupees in cash and property. This dacoity was traced to Taintay Boh's party and 9 men were arrested but released.

13th.—On the 1st of April a Dacoity was committed at Soodoung—8 miles west of Pantanau, nine men entered a house in which 3 Shan traders were stopping and finding the Shans out, took off property to the value of Rupees 1,405—six men were arrested, 5 convicted, 1 acquitted.

14th.—Some time during April a Chinaman was attacked by some of Shoay Moung's men on the Pyamala river and Rupees 144 taken.

15th.—On the 15th April near Kway Mway in the Kyoonpyo Township, 6 of Taintay Boh's men attacked a boat belonging to one Nga Poh Tyein and took 188 Rupees.

16th.—Five men entered a house on the 26th August at Pantanau and after tying up the owner of the house in a mat took 101-4-0 Rupees worth of property.

17th.—On the 14th November 8 men entered a Boat that was lying along side the bank at a place near Tounwa in the Shoay Loung Township and took 217 Rupees in cash.

11. *Dacoity with Grievous hurt :—*

1st.—On the morning of 28th April worshippers began to assemble at the Pagoda about half past 3 o'clock and until half past four matters went on as usual there being nothing to attract the attention of the sentries. At that hour it was still quite dark, the front sentry saw a crowd of people collected around the gateway which is about 15 yards from the front Verandah—at first he suspected nothing, but as they continued there, he called out to them and also called to the Serjeant. The Serjeant not answering, the sentry stepped back and kicked him with his foot, and at the same time, the Burmans rushed on the guard calling out "kill them, kill them." The attacking party consisting of fully 70 men, the sentry was cut down, his right hand being completly severed from his arm, and he was also wounded on the left arm and right thigh. The Serjeant and the remaining men in the front verandah were entirely surprised, the arms rack thrown down and the muskets fell into the hands of the robbers. From the rear portion of the building the sentry came round on the first rush and was seized by some of the attacking party, he succeeded in freeing himself and retaining his musket; one of the guard from the rear took a billet of wood and also ran round at the first rush, he was cut down with a severe dâh wound on the forehead, penetrating the bone and exposing the covering of the brain.

The remainder of the guard got clear unwounded. The Serjeant and 2 Constables ran to the Deputy Commissioner's house about 150 yards off, gave the alarm, and then on to the Gaol and Main Guard for the same purpose, but 5 of the guard remained in and near the fort, looking on but being without their arms unable to act. Meanwhile the Serjeant who had roused Mr. Beddy returned to his (Mr. Beddy's) house with 12 men from the Gaol and Main Guard. The Deputy Commissioner had also his night guard of 3 policemen and an orderly: with this party Mr. Beddy proceeded to the fort, entered the Pagoda enclosure by the drawbridge and then along the rampart to the Treasury. The robbers fired one shot as he advanced and by Mr. Beddy's orders the police with him fired on them they broke and fled in all directions one was cut down by a servant of Mr. Beddy who had accompanied him, and one was bayonetted right through the

chest by a Serjeant of police. In an hour's time some thirty of those engaged were captured, the police coming up from several quarters during the pursuit. The robbers had possession of the Treasury for probably 20 minutes but they did not succeed in opening even the outer door and no loss of any kind occurred.

It may be sufficient here to state that a rebellion was no doubt concocted but on a scale so limited as to make it seem extraordinary how they could anticipate success. It appears that some time ago a land measurer Nga Kyaw Tha and a man called Shwè Wa first broached the subject to Shwè Too of Tazin Hla a small village about 30 miles north of Bassein —Nga Kyaw Tha came from Upper Burma about 4 years ago and he represented to Shwè Too that Shwè Wa was an officer from Upper Burma, Shwè Too was the Goung of the village of Tazin Hla.

The proposed rising was described to Shwè Too and he was told that a prince would head it, this so called prince appeared in due course, and about the 24th and 25th April some 15 Villagers under Shwè Too were sworn in to follow the Prince. On the 27th April 1868 they all came down to Bassein and in the house of Nga Kyaw Tha's Brother-in-law Nga Oung Min (who was a writer in the Deputy Commissioner's Court) a feast was prepared nominally for the purpose of inaugurating the entrance of a young lad into a monastery, to this feast about one hundred up Country Coolies were invited from the rice godowns here, where they work in large numbers, few of them knew of the project until the moment of action arrived. In the early morning of the 28th a procession was formed in the usual way and moved to the Pagoda, where after worshipping they attacked the Treasury as described—all the principal persons concerned were arrested by the Police within four days after the attack and Nga Kyaw Tha was arrested in Rangoon on the 13th of June by Lieutenant M. C. Poole, Assistant Commissioner upon information supplied by a Burman servant.

12. *Murder*:—

1st.—On the night of the 19th January 1869, a Chinaman living at Myoung-Myah was murdered by some person or persons unknown, noises were heard to issue from the house

and some of the villagers going they discovered the body of the Chinaman.. Five men were arrested, tried, and acquitted ; the object of the murder was plunder.

2nd.—On the 9th of April a Karen living at Kyoongoon in the Shwè Loung Township was seen to cross the river at sunset with a girl to whom he was paying his addresses ; the next morning the body of the girl was found with the head nearly severed from the body, and the Karen lad was not to be found. The Police went on his track and he was arrested on the 13th of April. He confessed voluntarily while in custody that he had committed the act with a razor and indicated a spot where it would be found, it was shortly after found in the place pointed out ; Defendant was tried and committed to the Sessions.

Jealousy or disappointment appears to have been the cause of the crime.

3rd.—On the 4th June a Villager of Kyouk-phyoo named Nga-hto cut down a woman from whom he had been devorced, she died immediately and the Defendant gave himself up a few days after. He was committed to the Sessions.

4th.—On the 5th of July a Karen living near Kangyeedoung murdered his wife and then cut his own throat. He was brought into Bassein and died. He was reputed to be insane, and in his deposition before death confessed.

5th.—A murder was committed on the night of the 1st August at Kyouk-phyoo near Laboottah a Chinaman was discovered dead in his house with his throat cut, suspicion pointed to a man to whose divorced wife the deceased had been paying attentions. He was arrested but discharged for want of evidence.

6th.—The body of a man named Nga-ngain was discovered on the morning of the 1st October with two severe cuts upon it evidently inflicted by a Burmese sword, there were also other appearances which led to the idea that deceased's house had been plundered and the Act is supposed to have been committed by a party of Dacoits or thieves, a man was arrested on suspicion, but released.

7th.—A man named Nga-yah was awakened by hearing foot steps in his house, about midnight on the 10th of No-

vember. On getting up he found that some of his property had been removed from his house. So taking a Dâh he followed in the direction that the thief appeared to have taken. The thief upon being overtaken assaulted Nga-yah with a stick, upon which the latter cut him down with his Dâh following up the blow with many others, as Nga-yan appeared to have exceeded the powers of self defence, he was committed to the Sessions.

It is curious and may not be an unimportant assistance in determining the causes of Crime to note the different motives, and objects with which each murder is committed.

A table of the ascertained causes of the 7 murders above described is appended.

Cause or object.	No.
Jealousy or in which women were concerned	2
While in the act of plundering	2
Insanity	1
In self defence...	1
Cause not known...	1
Total...	7

13. *Culpable Homicide:—*

1st.—On the 13th of March a man named Nga Oh entered the premises of one Nga Talouk Gyee, he was surprised by the latter in the act of taking away some Ducks. Nga Talouk Gyee, threw a heavy Bamboo at him, which struck him, and caused his death—Tried and acquitted by the Magistrate.

2nd.—The second took place at Kyouk Kyoung Gyee on September 21st. The deceased, Nga Htoon Oung, went to the garden of a man of the same name and plucked a large quantity of Betel-nut. The Defendant assaulted deceased with a club so severely as to cause his death. Tried and acquitted by Magistrate.

3rd.—A quarrel took place on the 28th October at the Village of Nyoung Wine near Shwè Loung between two men named Shwè Ywet and Nga Moung. In the course of the dispute Shwè Ywet struck Nga Moung, from the effects of which he died. Case committed to the Sessions.

14. *Robberies:—*

1st.—A Robbery was committed at Pagu Ngoo near the Police Post of Tha boung on 21st January by 3 men, property valued Rs. 439 was taken off, 4 Defendants arrested, 3 convicted and 1 acquitted.

2nd.—A Robbery was committed near Pooloo, 6 miles east of Myoung Myah by 3 men armed with Muskets on 11th March. Three men were arrested but for want of evidence were not sent up for trial. Property taken valued at Rs. 129.

3rd.—On 17th March a High way Robbery was committed by 3 men near Engmay 15 miles North west of Shwè Loung, of 6 men sent for trial 1 was convicted and 5 acquitted. Property taken valued at Rs. 1,222-8-0.

4th.—On 14th March 1868 a robbery was committed by 2 men near Thit Moke Tatoung, 10 miles South of Kyoonpyo, property taken valued at Rs. 88.

5th.—On 20th March a robbery by 3 men at Konban on the borders of Yaigyee and Kyoonpyo Township, 10 miles from each, was committed, property taken valued Rs. 146. These men were arrested and convicted.

6th.—Robbery occurred at Paya Gong near Laymyethna committed by 3 men, property taken valued at Rs. 27. No arrests.

7th.—Robbery on 29th March at Bambway Gong near Laymyethna committed by 3 men, property taken Rs. 30.

8th.—Robbery on 21st April at Pike Tay near Ngathaing-Kyoung committed by 4 men, property taken valued at Rs. 160.

9th.—Robbery on 20th April committed by 3 individuals at Kau-Ngeegoo village, 8 miles South of Bassein property valued at Rs. 30 taken away..

10th.—Robbery on 8th May near Lanoo, 6 miles South

of Kyoonpyo, committed by 4 men, property valued at Rs. 35 taken away.

11th.—A Robbery on 16th May was committed amongst the Hills dividing Gwakhyoung (Sandoway) and Ngathaing-Kyoung 3 traders were attacked by 3 Robbers, property valued at Rs. 49 taken away.

12th.—A Robbery on the 13th July was committed near Wadoozaik village by 3 men, property plundered Rs. 71-8-0, no recovery or arrest recorded.

13th.—On the 15th July a Robbery was committed by 3 men near Kanosochyoung, Kyoonpyattet circle armed with Muskets, they attacked 5 men and plundered Rs. 64-12-0—no recovery or arrest recorded.

14th.—On the 28th August 1868, a Robbery was committed by 4 men armed with muskets near Oh-Boh-Kyonpyoo circle in a field and property plundered, Rs. 12. No recovery or arrest recorded.

15th.—On the 4th September 1868, a Robbery was committed near Kanee Nga Pootan Township by 3 men armed with Dâhs and sticks—property plundered Rs. 256. No recovery or arrest recorded.

16th.—On the 10th September 1868, a Robbery was committed near Ine-thai-byoo, Yaigyee Township by 3 men armed with Dâhs. Property plundered Rs. 1,175—3 men were arrested tried and acquitted by the Magistrate, property recovered to the estimated value of Rs. 93.

17th.—On the 12th September 1868, a Robbery was committed by 3 men armed with Dâhs—Hmyoung in the Eng May river Shoay Loung Township. Property plundered estimated value Rs. 53-8-0. No recovery or arrest recorded..

18th— On the 27th November 1868 a Robbery was committed by 4 men near Ton Kalah village between Pantanau and Shwè Loung river and property plundered Rupees 370—No recovery or arrest recorded.

19th. —On the 8th November 1868 a Robbery was committed by 4 men at Nyoung Bin gwin, village, Laymyethna Township property estimated value of Rupees 657 plundered—No recovery or arrest recorded.

20th.—On the 10th December 1868 a Robbery was committed by 4 men in the house of Nga Tsoo of Mayan chyoung village Myoung Myah Township, property plundered Rupees 99-6-0—norecovery or arrest recorded.

21st.—On the 23rd of December 1868 a Robbery was committed by 3 men in the house of Nga Too at Yoowah Thit Glay village, Myoung Myah Township—property plundered Rs. 215-10-0—no recovery or arrest recorded.

22nd.—On 19th November 1868 at Thaboung a Robbery was committed by 4 men—property valued at Rs. 3 taken away.

15th. *Theft.*—

The statistical returns exhibit a decrease of 82 cases of Theft during the year under notice. Of these 17 were Cattle Thefts. The value of property stolen and recovered in the the two past years is given below :—

Year	Reported value of Property stolen			Value of Property recovered.			Proportion.
1867	73317	5	3	11073	...	...	¼th
1868	49791	3	6	9323	...	5	1/5th

There are no clearly defined causes by which to account for a decrease in this offence, it is no doubt in common with vice of every class influenced by different conditions, but no peculiar conditions have existed during the past year to which can be attributed the decrease in theft —again notwithstanding the falling off in the number of offences there has been a marked disproportion between the amount stolen and the value of property recovered, as compared with the previous year. This is probably caused by the inaccurate system pursued in recording the value of the property stolen at the losers estimate ; and then upon recovery of the property it frequently happens that its real value is discovered to bear a small proportion to its estimated value : thus a discrepancy is created at once between

the value of the property stolen and the value of the same property recovered. Another cause may be that there is in addition to a natural proneness to magnify a loss, a greater tendency to report it, in the hope of ultimate recovery, than to acquaint the Police with its discovery or restitution—it is therefore more than probable that property is sometimes recovered of which no special report is made.

16th.—*Working of the Police.*

Under this head will be noticed the action of the Police during the year, their success in coping with crime, and their detective and executive efficiency, also a brief notice of the means employed to effect the repression of active Dacoity. The two events of the year bearing directly upon the latter result were the capture of Shwè Moung and his Lieutenant and the surrender of Thintay Boh and his party. The former event was particularly important as not only ridding the district of an active cause of crime, but also terminating what promised to grow into a system of a hereditary brigandage. The father of Shwè Moung Nga, Nga Koh by name had held a trifling office under Burman rule, he opposed the introduction of British Rule into the District, then under the administration of the present Chief Commissioner, who was the first Deputy Commissioner who had charge of this District. He was arrested and convicted in 1854 and sent with some other convicts to work at the site of the projected city of Dalhousie, from whence he escaped and for many years led a large party of Dacoits whose depredations caused much interruption and loss to the traders and inhabitants of the southern portion of the district. He was re-arrested in 1866 and executed. His son Shwè Moung then assumed the direction of the gang and until 1868 he was as decided an instigator of crime as his father had been—at the end of 1867 a body of Extra Police were raised for service against him and in March and April 1868 the Deputy Commissioner of Bassein with the Superintendents of the Rangoon and Bassein Districts and a large body of police and villagers proceeded to the locality he was known to frequent and by means of constant and careful patrolling he was restricted to such narrow limits that he was frequently in want of food. On the 16th of April he came out to ascertain the movements of the Police; on the following day at about

5 P. M., he came out again but was surprised and killed in an attempt to arrest him. His Lieutenant Shwè Bwa was killed a few days after under similar circumstances. While these operations were being carried on in the Delta, another party of Police was engaged in hunting down the Dacoit chief known as the Taintay Boh. The pressure of the watch kept upon him and the news of the successful result of the search for Shwè Moung constrained him to come in and surrender voluntarily. He and Myat Tso, also a leader of the same gang, were subsequently pardoned, and released upon heavy security, they are now living at large but under surveillance.

17th.—The following table shews the success of the Police in Non-Bailable Offences during the years 1867 and 1868.

Years.	No. of Non-Bailable Offences.	No. of Persons arrested by the Police.	No. of Persons Convicted & Committed.	Proportion of convictions to arrest.
1867.....	943	650	360	½
1868.....	791	802	485	3/5

18th.—The above taken from the Police returns shews an increase of 1/10 more convictions than arrests in 1868 than in 1867.

19th.—No cases were tried by Officers in the Forest Department.

20th.—The High Court's Circular No. 6, has been attended to carefully. The records in the several Courts are in good keeping and have been examined by the Deputy Commissioner.

21st.—The Alphabetical Registers as ordered by the High Court's Circular No. 5 have been kept up.

22nd. With the exception of such subjects as have

already been mentioned, the statements accompanying this report do not appear to require any special elucidation.

23rd.—In consideration of the circumstances under which this report is submitted it is not considered expedient that any special mention should be made of any subordinate Officers.

REPORT

OF THE

DISTRICT MAGISTRATE OF MYANOUNG.

For 1868.

1. While the total number of reported offences was 3,229, or 179 less than in 1867; the number of cases which were brought before the Courts was 2,549 against 2,522, the previous year, an increase of 27..

The number of persons concerned largely decreased, the figures being 4,130 against 4,883 a decrease however only apparent as will appear hereafter.

2. The number of cases that were for disposal was 2,560 viz: 11 cases pending at the close of 1867 and 2,549 instituted during the year—2,551 cases were disposed of leaving only 9 cases pending at the close of the year.

3. The cases left pending were as follows.

Before the Magistrate of the district 8 cases; of which 2 were pending by order of the Chief Court on account of the lunacy of the accused, who are charged with murder, 2 cases of murder, 2 of dacoity, 1 of exposing and abandoning a child, and 1 of grievous hurt.

The longest pending case, other than the lunacy cases, was instituted on the 27th November.

One case was pending in the Court of the Extra Assistant Commissioner Tsanyuay.

Non Bailable offences 4. Three tables are given the first two comparative showing respectively the number of Non-Bailable offences ascertained and the number brought to Court in 1867 and 1868.

5. It will be seen that the ascertained cases decreased by 116 and the number brought to the Courts, increased by 90, a result very creditable to the police.

6. In the ascertained cases there was a large increase in robberies, but this is counterbalanced by the decrease in dacoities. If the numbers of both offences be added the difference in favor of the year under report is very slight, only 2 this includes Dacoity with hurt.

7th.—A satisfactory decrease will be observed in cases of receiving stolen property. Murders also decreased by 3.

8th.—In the Offences brought to Court the largest increase is shown under "Theft" and Robbery.

9th.—It will be noticed that there were only 13 dacoities ascertained but 15 cases brought to Court, this is owing to arrests having been made in a case three separate times, and the parties first arrested having been sentenced, before the others were sent up for trial; so that three trials took place in what was only one dacoity.

10th. The third table is given merely to show in what cases the increase in persons concerned took place.

11th.—Of the 5 cases of Murder as ascertained only 3 were brought to trial. but two Murderers of former years were arrested and tried, making five murder trials: Six persons were concerned of whom 4 were committed to the sessions: against 2 the enquiry was not completed at the close of the Year.

Non-Bailable Offences Ascertained.

Crime.	1867.	1868.	Increase.	Decrease.
Counterfeiting coin	2	1	„	1
Murder	8	5	„	3
Culpable Homicide	3	2	„	1
Attempt to murder	1	„	„	1
Grievous hurt	1	1	„	„
Forcible assault &c	4	8	4	„
Kidnapping	1	2	1	„
Rape	„	1	1	„
Theft	1,245	1,244	„	1
Robbery	20	36	16	„
Dacoity	32	13	„	19
Dacoity with grievous hurt	„	1	1	„
Criminal breach of trust	5	6	1	„
Receiving stolen property dishonestly ...	218	104	„	114
Committing mischief...	1	3	2	„
House trespass having made preparation for causing hurt, assault &c.	2	1	„	1
Lurking house trespass or house breaking by night &c. &c....	16	15	„	1
			26	142
Net decrease...			116	

NON-BAILABLE OFFENCES BROUGHT TO COURT.

CRIME.	1867.	1868.	Increase.	Decrease.
Counterfeiting Coin	2	1	„	1
Murder	5	5	„	„
Culpable Homicide...	3	2	„	1
Attempt to Murder...	1	„	„	1
Grievous hurt	1	1	„	„
Forcible Assault &c., ...	4	8	4	„
Kidnapping	1	2	1	„
Rape	„	1	1	„
Theft	457	574	117	„
Robbery	4	11	7	„
Dacoity	14	15	1	„
Dacoity with grievous hurt	„	2	2	„
Criminal breach of trust...	14	6	„	8
Receiving stolen property dishonestly	148	114	„	34
Committing mischief	1	2	1	„
House trespass having made preparation for causing hurt, Assault &c., ...	2	1	„	1
Lurking House trespass or house breaking by night &c., &c.	16	18	2	„
			136	46
Net Increase		90		

The following Table will show at a glance the manner in which the increase of heinous crimes is accounted for.

CRIME	Increase.		Decrease.	
	Cases.	Persons.	Cases.	Persons.
Counterfeiting Coin	„	„	1	1
Murder	„	1	„	„
Culpable Homicide...	„	„	1	2
Attempt to Murder...	„	„	1	1
Grievous hurt	„	„	„	„
Forcible Assault &c....	4	1	„	„
Kidnapping	1	1	„	„
Rape	1	1	„	„
Theft	117	139	„	„
Robbery	7	14	„	„
Dacoity	1			30
Dacoity with grievous hurt	2	5		
Criminal breach of trust	„		8	3
Receiving stolen property dishonestly ...	„		34	45
Committing Mischief	1	1		
House trespass having made preparation for causing hurt, assault &c.	„	„	1	1
Lurking House trespass or house breaking by night &c &c.	2	7	„	„
Total . .	136	170	46	83
Net Increase	90	87		

12. Of the 2,560 cases which were for disposal, 771 involving 1,009 persons were Non-Bailable.

764 Non Bailable cases were disposed of during the year.

The number of persons tried was 1101; of these

739 or 67 per cent were convicted.

341 or 31 per cent were acquitted.

2 or .18 per cent died.

8 or .7 per cent escaped.

11 or 1 per cent committed.

13. The number of persons charged during the year was 1,091 or 1 in 360 of the population, a somewhat less favorable result, than was obtained last year when the proportion was 1 in 378.

Bailable Offences.

14. The number of cases instituted was 1,786, against 1849 in 1867; a decrease of 63.

The number of persons concerned was 3,039 against 3,879 in 1867, a decrease of 840.

15. The majority consists as usual of assaults, Criminal trespass, insults and breach of Abkarree rules.

16. Breaches of Abkarree rules were, 153 cases and 230 persons against 196 cases and 274 persons in 1867; 182 persons were convicted against 209 in 1867; decrease 43 cases and 44 persons.

17. The provisions of the Stamp Act with reference to complaints would seem to have had little effect in reducing their number: cases of assault, causing hurt, trespass—all slightly increased.

18. The provisions of Section 270 of the Criminal Procedure Code are a dead letter in this district.

19. Twenty eight persons were charged with Bad Livelihood against 31 in 1867; 20 persons were convicted against 22.

It is thought that more frequent recourse to the provisions of Chapter XIX, Code of Criminal Procedure, would have a beneficial effect in reducing crime in the district.

Gambling.

20. In gambling, Act III of 1867, the decrease is perfectly astonishing; the figures for the two past years stand as follows:—

	Cases.	Persons.
1867.....	171	1,040.
1868.....	10	46.
Decrease....	161	994.

21. Act III of 1867 was in operation only a portion of 1867, and under it 40 cases, and 233 persons were prosecuted. The decrease cannot be attributed to any real decrease of the crime, which is as rife as ever, it is owing entirely to the working of the Act; under it, only a Magistrate with full powers or the Superintendent of Police can issue a Warrant, and as the Deputy Commissioner was the only full Magistrate in the district, it was impossible to get warrants in time to be of any avail, except in a few cases.

22. It is hardly to be doubted that gambling is the root of a great deal of the crime in the province; it is therefore worthy of consideration, whether the law might not be advantageously altered by allowing any Magistrate to issue a warrant under Act III of 1867 in those towns to which the Act has been or may be extended.

23. It will be seen then that the decrease in Bailable offences noted above is only apparent.

If the gambling cases be substracted a real increase over 1867, will be found of 98 cases and 154 persons.

24. The number of cases under Section 29, Act V of 1861 was 34 against 102 in 1867, number of persons tried was 39 against 47, convicted 35 against 44.

Witnesses.

25. 5,815 Witnesses were examined during the year, of whom 5,655 were discharged after 1 day, 123 after 2 days, and 37 after 3 days.

26. It must however be remarked, that the above figures refer only to the time a witness is under examination. He may be, and often is, kept waiting days and days at the Court before the case in which he is wanted, is called on.

As a test of good administration therefore Statement No IV is of little value.

27. To make it of use the time of attendance should be reckoned from the day on which the witness is required to be present at Court.

FINES.

28. The amount of fines inflicted was Rs. 44,182 against Rs. 29,017 in 1867; realized Rs. 24,952 against Rs. 22,467. Rs. 1462 were awarded as compensation under Section 44, Code of Criminal Procedure, of which Rs. 772 were paid.

The large increase in fines inflicted, is accounted for by the fine of Rs. 20,000 in one case in the District Court, of which only 11,887 Rupees were realized.

29. 1,787 cases were disposed of, in which 3,047 persons were concerned, of whom 1,535 were convicted, 1,508 were acquitted, 3 escaped, and 1 was committed to Sessions.

30. 9 of the above cases were disposed of by the Deputy Conservator of Forests as Sub-Magistrate of 2nd Class. They were breaches of forest rules.

Work done by the Courts.

The following table shows the distribution of the Criminal work.

	Cases for trial.	Disposed of.	Average days.
Major Hildebrand...	236	228	15
R. F. St. A St John Esquire	112	112	4
Lieut: H. A Gower	163	163	3
Moung-Kyaw-Doon, Henzadah	632	632	3
Moung-Na-Gaw, Donabew	191	191	4
Moung-Shwé-Yeen, Myanoung	70	70	4
Ex: Asst: Commrs: 3rd Class 1st,2nd, 3rd Grades, 8 Myookes	1,147	1,146	4
Dy: Consr: of forests Jas: Adamson Esqr:	5	5	1
Lieut: Wm: Stenhouse	4	4	1
Total	2,560	2,551	5

Average time before all Courts, 5 days.

32. One event in the Criminal history of the year should not be passed over without notice, because it is unique and though it

Htsayas

occurred late in the year, and may not have had any appreciable effect on the returns its influence was felt throughout the district, and must affect the returns of next year in a greater or less degree.

Some time in July or August a man known as the Poung to-Htsaya, came into the district, it is believed from Prome and gave himself out as a great magician.

He had confederates who preceded him and noised his fame abroad so that when he came to any place he found the people prepared to receive him; his confederates claimed for him the power of transmuting the metals, altho' he artfully repudiated this, and merely professed, to give to any one who would trust him, 60 per cent on the sum deposited with him in two or three days time.

The thing took with all classes of the community, few of the Officials escaping the contagion altogether: crowds flocked to him, wherever he went, numbers gave up their daily occupations, and mortgaged their cattle and land to get money to present to the Htsaya. Many of his dupes lost their little all. Enormous sums are supposed with good reason to have passed thro' his hands, but it has been ascertained, beyond all reasonable doubt, that he actually took away from the district, between 30,000 and 40,000 Rupees. This man was unfortunately allowed to pursue his career thro' the district unchecked, and in consequence he soon found imitators.

In October no less than seven scoundrels suddenly made their appearance, in Kyan Gheen, and called themselves Htsayas: crowds rushed to them, and the excitement in the neighbourhood was intense: money literally poured in on these Htsayas on all sides.

At this period it was considered necessary to put a stop to their proceedings, and after a brief career of about 7 days, they were all arrested. In possession of one of them was seized over 11,000 Rupees, and his books showed he had received more than 3 times that amount.

They were all called on to give security for their good behaviour.

One, the most notorious, was afterwards charged with cheating, and is now deservedly expiating his misdeeds in the Gaol, under sentence of one year's imprisonment and a fine of twenty thousand Rupees, in default one year imprisonment.

The actual amount lost by the people thro' these men, it is impossible to ascertain, a great number are known to have gained largely and of course at the expense of their less fortunate brethren. The sums actually lost however must have been considerable, as was evidenced shortly after the men were arrested by the sudden demand for stamps of high values, to be used in instituting Civil Suits against them.

No one who witnessed what occurred will doubt that the mischief wrought by these men is very wide spread.

APPEALS.

33.—There were 40 Appeals instituted during the year: in 21 it was found necessary to interfere, orders were modified in 14, and reversed in 7 cases.

The longest time taken to dispose of an Appeal was 3 months and 21 days. The average 31 days.

34. The table given below shows the Courts from which Appeals were received and the results :—

Designation of Officers.	Cases tried.	Appeals preferred.	Orders confirmed.	Orders modified.	Orders reversed.
Asst. Commr. 3rd Class, Tharrawaddy ...	112	2	1	1	„
Do. Do. Do., Myanoung. ...	163	3	1	1	1
Ex. Asst. Commr. 1st Class, 1st Grade Henzadah.	632	6	3	1	2
Do. Do. Do. Do. Donabew.	191	18	9	7	2
Ex. Asst Commr 2nd Class 1st Grade, Tsaitkai	70	2	1	„	1
Do. 3rd Class 1st Grade, Okphoe	187	3	1	1	1
Do. 3rd Class 1st Grade, Tsanyua	119	1	„	1	„
Do. 3rd Class 2nd Grade, Donabew	180	1	1	„	„
Do. 3rd Class 3rd Grade, Khoointyna	122	2	„	2	„
Do. 3rd Class 3rd Grade, Tahpoon	119	2	2	„	„
	1895	40	19	14	7

35. Regarding the long time taken to dispose of both Original and Appeal cases in the District Court only, the general explanation can be given that the Magistrate was overburdened with work.

In some cases however the delay arose from the absence of witnesses.

Subordinate Courts.

36. No remarks can be made regarding the Subordinate Courts.

General Remarks.

37. It is a matter of concern to find that, notwithstanding the marked success of the police, against the gangs who committed most of the heavy crime in 1867, there is so little improvement in the returns for the past year.

38. It is true that dacoities decreased very much; but then robberies increased almost as much, and a great number of the dacoities in 1867 were of a trifling nature, not worse than the robberies of the year under review.

39. Most of the crime occurred in Tharrawaddy and it is believed, was committed by the remnants of the gangs which were broken up during 1867 ; most of the criminals belong to the District, and although a great number of them have been apprehended, it cannot be disguised that a lawless spirit is abroad (to which various causes have contributed,) especially in the Tharrawaddy Division, and it will require the most strenuous efforts on the part of District Officials of all grades to keep the spirit in check.

40. A marked improvement is shewn in the action of the police as regards Dacoity, Robbery, and Theft which reflects the highest credit on Major Duval the Superintendent of Police, who exerted himself most indefatigably, especially as no improvement has taken place in the personel of the force, and he had every difficulty to contend against.

41. Most of the points so strongly urged in last year's report, have been conceded. An Assistant Superintendent of Police was sent to the Tharrawaddy Division, but he resigned shortly afterwards and has not yet been replaced.

An English Inspector has also been stationed at Mengyee ; but he has been changed so often and replaced by men new to the work, that the full benefit of the arrangement has not been obtained.

The Assistant Commissioner of Tharrawaddy has just lately been invested with the full powers of a Magistrate.

The pay of the Police force has been raised : this is a measure from which the best results may be anticipated. A better class of men will be attracted to the force ; many probably of the relations and friends of the Thoogyees and village Head men ; they will stand in a better relation to the well disposed of the populace, who will be more willing to assist and give them information.

42. It only remains to increase the numerical strength of the force. This is still more required now than it was last year : owing to the large public works being executed in Tharrawaddy a very great number of coolies from Upper Burma come there in the dry weather. They are all men to whom law and order are unknown, to many of them violence and bloodshed are matters of course, and the Police in

Tharrawaddy are certainly insufficient effectually to keep them in check, in addition to their other duties. No reduction of the force can be made on the West side of the river; for in addition to the cause of disturbance detailed in the former para the Town of Kyan-Gheen suffered from a fire which destroyed 220 houses, and 28,000 Rupees worth of property, and the township is in an unsettled state.

43. In consequence of the Deputy Commissioner being the only Officer with the power of a Magistrate in the District, throughout the Year, he was so much occupied with Criminal and other work which kept him at the Head Quarters that he was unable to visit Tharrawaddy. He was out on Circuit in the Henzadah and Donabew Division for 78 days. Undoubtedly the regular visits of the Deputy Commissioner to all parts of his charge has a most beneficial effect, and Major Hildebrand was fully alive to their importance but for the reasons given above he could not do as he wished.

44. It is not known whether the Registers of the Courts have been inspected.

REPORT

OF THE

DISTRICT MAGISTRATE OF PROME.

For 1868.

STATEMENT No. 1.

Not Bailable Offences.

1. During the past year, in the number of cases and persons brought to trial, there has been an increase of 144 cases and 299 persons.

2. The largest increase has been under the head of Theft, the number of persons brought to trial in 1867 being 566, and 764 in 1868.

3. There has been some increase more or less in all the offences shewn in 1867 except in the offences of uttering counterfeit coin, Culpable Homicide, and Rape.

4. The number brought to trial for these offences respectively being in 1867 10, 19 and 8 and in 1868 3, 1 and 4.

5. The disposal of persons brought to trial has not been so favorable in the past as in the previous year, the percentage of convictions in 1867, being 72 and of acquittals 20, whilst in 1868 the percentage of convictions was only 61 and of acquittals 33.

6. The number shewn pending at the close of the year is large, being 15 cases and 39 persons ; but this even does not show the actual nunber pending, those which had not reached the Court before the close of the year not being shown, whilst the Assistant Commissioner of Thayetmyo closed his register before the end of the year and showed no cases pending although prisoners had been committed to Gaol, pending trial.

7. The actual number of cases and persons pending throughout the district at the close of the year was 33 cases and 68 persons.

8, This large number is due principally to several persons having been arrested, near the close of the year, in the Mengdon township on account of old dacoities and it was impossible to dispose of them before the end of the year.

9. The number of persons brought to trial but who died before judgment was given has been the same in both years viz: 2; whilst in 1867 9 escaped and none in 1868.

Bailable Offences.

10. Under the two heads of those punishable under the Penal Code and under Special Law there has been a total increase of 109 persons brought to trial during the past year, the numbers being for 1867 3,690 and for 1868 3,799.

11. The results in the trial of these cases also have not been so favorable during the past year, the percentage of convictions and acquittals in 1867 being 60 and 39, and in the past year 57 and 42.

12. The principal decrease in the number of persons brought to trial has been in cases of Insult, the numbers being in 1867-800, and in 1868-631.

Assault	1867-395.	Trespass	1867-408.
„	1868-374.	„	1868-351.
Disobeying lawful order	1867-146	Gambling	1867-729.
	1868- 29	„	1868-691.

13. The increase during the past year has been in cases of.

Riot	1867-130	Breach of Forest rules	1867- 0.
„	1868-170		1868-175.
Abkaree	1867-192	Bad livelihood	1867- 55.
„	1868-235		1868-185.

14. The Acquittals have been principally in private prosecutions.

15. In cases of Assault, out of 374 persons brought to trial, complaints were withdrawn against 98, and 162 were acquitted.

16. Out of 351 persons brought up for Criminal trespass, complaints were withdrawn against 75, and 217 were acquitted.

17. In cases of Insult 150 persons were convicted, 309 acquitted and complaints withdrawn against 172.

18. In cases of Bad livelihood the number acquitted was large owing no doubt in several cases, to an access of zeal on the part of the police.

STATEMENT No. 2.

19. There has been an increase of 71 persons brought up on summons during the past year, a decrease of 379 apprehended by warrant and an increase of 710 apprehended by the police.

20. There has been a decrease in the number committed, convicted and complaint withdrawn, and an increase in acquitted; the numbers for the two years being as follows:—

	Committed,	Convicted,	Acquitted,	Complaint withdrawn.
1867.	52	2,996	1,234	420
1868.	36	2,978	1,663	408

21. Mr Phillips, Assistant Commissioner. has disposed of the largest number of cases viz. 511; he is stationed in Prome, has full powers and is chiefly employed in Judicial Work.

22. There is an increase of 159 cases disposed of, whilst the pending cases shewn are 16 at the close of 1868, against 3 in 1867.

STATEMENT No. 3.

23. The sentences during the past year have evidently been more severe than in the previous one and there is no doubt that the state of the district required this.

24. There has been an increase of 11 persons sentenced to seven years and below, of 9 sentenced to four years, and below, and of 71 sentenced to two years and below, whilst the total increase of persons sentenced to rigorous imprisonment has been 240.

25. In the amount of fines imposed there has been an increase of Rupees 3,964 and of fines realized an increase of Rupees 4,314.

26. The increase in the amount of compensation ordered and paid is large, being under the first head of Rupees 4,084 and under the latter Rupees 1,896; it does not however appear that in the previous year these sums were carefully noted.

27. The number of persons called on to find security for one year has been 7, against 1 in the previous year, and the increase of those called on to find security for six months and under has been 65.

29. In flogging the sentences have been in every case stripes simple, the total number flogged being 34, against 48, in the previous year.

29. Of the 34 flogged, 14 were Juveniles whilst in the previous year only two juveniles were flogged.

30. The punishment is no doubt an effective and suitable one in the case of juveniles and also of adults given to petty pilfering.

STATEMENT No. 4.

31. The increase in the number of Witnesses examined is very large, so large that it appears doubtful whether the number for the previous year could have been correct, they are for 1867-4,998 and for 1868-7,919.

32. Of the total number of Witnesses 6,410 were discharged after one day.

33. The returns would show that a large number of Witnesses were kept pending a longer time than they should have been before Mr. Phillips, this however is due in a great measure to his clerk having kept the Register of detention of Witnesses incorrectly, and there being no possibility of putting it right.

34. When unable to take up a case at once and the Witnesses were released, being warned for a certain date, they were shown as undischarged during the whole of that period, this was of course incorrect, as the Witnesses were not kept waiting the whole of that time and there is no reason to believe that the Witnesses in cases before Mr. Phillips were kept waiting longer than was necessary.

STATEMENT No. 5.

35. There have been no cases in either year of disputes relating to possession of land &c.

36. Disputes of this kind generally arise in the interior of the district, and are settled amongst the people themselves.

37. Some few cases of the kind have been brought, but before actually taken up they have been in every instance withdrawn.

STATEMENT No. 5. B.

38. It would be better if the provisions for punishment of false and frivolous complaints were more frequently taken advantage of, it would put a stop to the large number of cases of insult and assault which are brought before the Court, and left unprosecuted; cases of nuisance are generally disposed of under Act V in the large towns.

STATEMENT No. 6.

39. There has been an increase of 2 Appeals during the past year.

40. The Extra Assistant Commissioner of Kama shews the worst; in three cases out of four, his orders having been reversed.

41. The number of Appeals is however small, only seventeen persons being appealed out of 1,534 persons convicted by Officers against whose sentences Appeal lay to the Magistrate of the District.

STATEMENT No. 7.

42. European British subjects who commit offences, are fortunately, as yet, scarce in this part of the Province.

STATEMENT No. 8.

43. There is an increase in the duration of cases before all the Courts, this is due almost entirely to a more correct method of calculating the duration of a case; it used to be the practice not to include the day of institution.

44. This incorrect method of calculation is shewn in the cases before the Tsitkay's Court. In the returns for 1867, there were shown 359 cases pending only one day in this Court.

45. The cases before the Tsitkay are nearly all summons cases; it is impossible that they can be finished in one day; in the return for 1868, there are only 20 cases shewn as pending one day which is much more likely to be correct.

46. The duration is longest before the Deputy Commissioner and naturally so, as he is more constantly moving about and has to postpone cases until his return to head quarters.

47. The case shewn as pending since the 10th February is that of a man who was found to be insane when he committed the offence with which he was charged—and he is kept in confinement under the orders of the Local Government.

48. Examination of Registers :—

ASSISTANT COMMISSIONER, THAYETMYO.

Non-Bailable Register	... ...	Well kept.
Bailable do.	... ...	do.
Miscellaneous do.	... ...	do.
Alphabetical do.	of Convictions	do.

ASSISTANT COMMISSIONER, PROME.

Non-Bailable Register	... ...	Correct.
Bailable do.	... ...	do.
Miscellaneous do.	... ...	do.
Alphabetical do.	of Convictions	do.

ASSISTANT COMMISSIONER, POUNGDAY.

Non-Bailable Register	... ...	Correct.
Bailable do.	... ...	do.
Miscellaneous do.	... ...	do.
Alphabetical do.	... ...	Alphabetical arrangement not observed.

EXTRA ASSISTANT COMMISSIONER, PROME.

Non-Bailable Register	... ...	Well kept.
Bailable do.	... ...	do.
Miscellaneous do.	... ...	do.
Alphabetical do.	of Convictions	do.

EXTRA ASSISTANT COMMISSIONER, POUNGDAY.

Non-Bailable Register. Correct except one case under Section 323 entered which should not have been, entries up to date.

Bailable Register. Entries incomplete, some wrong, and altogether carelessly kept up.

Miscellaneous Register ... ... Correct and entries complete.

Alphabetical do. of Convictions. No Alphabetical arrangement.

Shwe Doung.

Non-Bailable Register	...	...	Correct and entries up to date.
Bailable do.	...	...	Entries incomplete and several corrections made.
Miscellaneous do.	...	...	Entries irregular and not well kept.
Alphabetical do.	of Convictions		Correct and well kept.

Shwe Lay.

Non-Bailable Register	...	...	Correct.
Bailable do.	...	...	do.
Miscellaneous do.	...	...	do.
Alphabetical do	of Convictions		do.

Padoung.

Non-Bailable Register	...	...	Well kept and correct.
Bailable do.	...	...	Correct and well kept.
Miscellaneous do.	...	...	Correct.
Alphabetical do.	of Convictions		do.

Mahathaman.

Non-Bailable Register	...	...	Form wrong
Bailable do.	...	...	do. corrected and filled in
Miscellaneous do.	...	...	Correct
Alphabetical do.	of Convictions		do.

Kama.

Non-Bailable Register	...	...	Correct and well kept.
Bailable do.	...	...	Well kept.
Miscellaneous do	...	...	Correct.
Alphabetical do.	of Convictions		do.

Mengdon.

Non-Bailable Register	...	...	Correct and kept in good order.
Bailable do.	...	...	Kept up correctly
Miscellaneous do.	...	...	Correct.
Alphabetical do.	of Convictions		do.

Meaday.

Non-Bailable Register	...	...	Well kept.
Bailable do.	...	...	do.
Miscellaneous do.	...	...	do.
Alphabetical do.	of Convictions		do.

Thayet.

Non-Bailable Register	...	...	Well kept.

Bailable	do.	... ...	do.
Miscellaneous	do	... ...	Entries incomplete.
Alphabetical	do.	of Convictions	Entries incorrect and incomplete.

49. Police and Crime. There has been a large and satisfactory decrease in the most serious crime, that of dacoity, and the Police are entitled to great credit for the result.

50. The gangs of dacoits who committed all the offences in 1867, were broken up towards the end of that year and at the commencement of 1868 there was but one gang, which was finally broken up by being continually hunted by the Police.

51. The Superintendent of Police Captain Lowndes came to the district in January 1868, he knew the district well, but the Police were then by no means in the satisfactory state in which they now are, and which is due to his exertions, he has been constantly in the district visiting the different stations and keeping the men up to their work.

52. The Assistant Superintendent of the Eastern Frontier, Mr. Hildebrand, deserves special mention for the excellent service he has done. It is due to his activity and the friendly communication kept up by him with the authorities on the other side of the frontier that this part of the district is in the satisfactory state in which it now is, there has not been a dacoity in this part since August, which is saying a good deal.

53. On the Western Frontier matters have not been so well managed, there has been a great improvement in the latter part of the year, but there is no doubt that at one time there was considerable laziness on the part of the police, and it was during this time that many serious offences were committed.

54. The number of dacoities during the past year has been 70 against 127 in the year previous.

55. In the offence of Robbery there has been a slight decrease viz: 79 in 1868 against 84 in 1867.

56. There is no doubt that the greater number of dacoitees and robberies are committed by persons from across the frontier; the heaviest dacoity, that on the village of Nyaydoo, was committed by a gang of about 40 men all living in Upper Burma.

57. It was after this that on the representation of the Chief Commissioner greater activity was shewn by the Burmese authorities, bad characters were apprehended and imprisoned and some sent up to Mandalay.

58. As long as the Burmese authorities are kept up to their duty, and persons who commit offences on this side and abscond into Upper Burma are demanded, and given up, there is no reason why the frontier should not be kept as quiet as any other part of the district.

59, Cattle Thefts have been numerous, 457 reported during the past year, there have been a great many convictions, but the offence in no way decreases.

60. Here again a large number of these thefts are committed by persons in Upper Burma, but the offence is also general throughout the district; from the numbers of people who come to this district to purchase cattle great facility is of course given for their disposal.

61. One difficulty which the police have is that in most cases persons make no report until they have searched for some time and return unsuccessful.

62. The Yazawoot Goungs in this district work entirely under the Police; they are appointed by the Magistrate of the district; they were at one time nominated by the Superintendent of Police but this plan was changed, it was thought better that the Assistant Magistrates should have something to say to these appointments, the Superintendent of Police is however always consulted before the appointment is made.

63. It is a question whether the Goungs could not work better if they were immediately Subordinate to the Magistrates; it is not an uncommon complaint both with Goungs and Kya-dangyoes that what they do is not brought forward, but the Police takes the credit to themselves. The Goungs do not appear to me to be of the same class as formerly—not so respectable and not having so much authority.

64. This is due to the Police being looked upon as entirely separate from the Magistracy and to an idea that the Magistrates have nothing to do with crime or Police except to try the cases brought before them.

65. The Assistant Magistrates under the present system certainly have but little to do with the Police and there is no doubt that under the present system the Magistrate of the district, however well he might work with the Police; has lost a great deal of the power which he had.

66. Although the Police are his instruments for putting down crime they are not instruments of his own choosing.

67. He has not a word to say to the appointment or dismissal of a single Policeman; if he has any fault to find he can only, as long as it is not an actual offence, bring such to the notice of the Superintendent, who, if he does not agree with the Magistrate of course does nothing.

68. The Superintendent can punish his men without any appeal lying to the Magistrate, and it is only in the case of the Police that no appeal can be made to him.

69. All these matters tend to show that the Magistracy and Police are entirely separate; in some points almost antagonistic, and it is this which makes the Police and Goungs not give information, and not attend to the Magistrates as they should do, and as they used to do before the present system.

70. It is unfortunately impossible to say whether crime has actually increased or decreased since the present system, as there is no doubt that crime is much better reported now; where there were not so many police officers formerly and they were not distributed as now, a great deal of crime was no doubt never reported.

71. By placing the Goungs immediately subordinate to the Magistrate it would be making a connecting link between the villagers and the Police, a link which is much wanted.

72. Report on Officers.—The Assistant Commissioner of Thayet-myo, Major Munro, is as a Judicial Officer, careful and pains taking, but in all the other duties of a Magistrate he has not given that assistance which an officer of more energy and activity might have done.

73. The Assistant Commissioner of Prome, Mr. Phillips is hard working and careful.

74. Captain Furlong, Assistant Commissioner of Poungday, had only the powers of a Subordinate Magistrate of the 2nd Class, but he has been most useful in keeping himself informed of all that is going on in his part of the district, and its freedom from violent crime is in a great measure due to him.

75. Mr. Richardson, Extra Assistant Commissioner, was so much employed in Revenue duties that there is not much from which to judge of his qualifications as a Magistrate, he is however known to be active and hard working.

76. The Tsitkay has little to do with Criminal matters except trying petty cases.

77. Of the Native Extra Assistant Commissioners the Maydon is the one who has shewn himself most useful in assisting the Police and bringing to light the perpetrators of several serious offences.

78. Next to him is the Mahathama, who also interests himself in matters that are going on.

79. The others require to be constantly stirred up and made to believe that they have more to do than merely lay the cases which are brought before them.

Gambling is carried on to a great extent throughout the district and there is a general complaint regarding it both by Police and Magistrates.

Gamblers will, of course, not mind a little trouble and go outside Municipal limit to play; here they cannot be touched.

Bad characters assemble at the villages where it is known that gambling is carried on regularly, and, there is no doubt that a great deal of crime has its beginning in this way.

The only way to improve matters would be to extend the Act to the whole district.

REPORT

OF THE

DISTRICT MAGISTRATE OF TOUNGOO.

For 1868.

1. During the year 1868, 825 cases were ascertained to have been committed against 628 last year, shewing an increase of 197 cases. This increase is partly owing to the dearness of the necessaries of life caused by the great flood that destroyed the rice crops in October 1867, and partly because justice was more accessible, in that the Extra Assistant Commissioners tried many cases of theft that previously were compounded or cancelled to evade the trouble of prosecuting in the Magistrate's Court.

2. Out of 825 cases reported 707 cases with 1351 persons were brought to trial and disposed of during the year, in addition to 2 cases and 3 persons of those pending last year. The only case pending trial in 1868 was that of an insane since 1866.

3. Of the persons disposed of, 47 per cent were convicted against 42.68 per cent in 1867.

The percentage in Chief Court and Subordinate Courts being as follows:—

Chief Magistrate				*Subordinate Magistrates*		
1867	...	...	61.5	...	...	37 28
1868	...	...	66.0	...	...	43 35.

4. From the above it would appear that the graver cases that came before the Magistrate have been prepared with greater care by the police and that petty cases have been preferred with more consideration.

5. The percentage in the subordinate Courts would have been as high as 47.38 in 1868 had not 94 persons for Criminal breach of Contract been wrongly included.

6. The detail of Non-bailable cases is as follows:—

7. Five cases of Murder were reported against two in the previous year.

One having been committed by dacoits, the other four "from other motives."

8. The murder by dacoits took place on the 15th January 1868 at Nga Moay Khyoung about 30 miles south of Toungoo. Six persons were concerned in the affair and managed to escape with property valued at Rs. 500 after killing a Karen with sticks who resisted them.

9. There is no clue to the perpetrators of the deed.

10. Of two murders apparently committed for the sake of theft—one was the case of three Karens whose bodies were found in an advanced state of decomposition in a lonely place in the Eastern hills on 21st March 1868, under circumstances that led to the belief they had been beaten with sticks to death, with a view to robbing them of piece goods and other property in their possession.

11. The other was that of a Burman who was found dead with marks of blows of a stick or other blunt weapon, near the main road, midway between Toungoo and Bombaddie on 4th April 1868 and supposed to have been murdered for the sake of money and areca nuts in his possession.

12. Both cases are involved in mystery; three persons were arraigned for the latter crime on suspicion, but, there was not sufficient evidence against them.

13. Of the two remaining cases one was that of Moung Loo-gyee who was killed on the 17th November 1868 by a blow of a dâh as he returned from visiting a friend at night time. It is presumed that the blow was intended for some other person, as the deceased was not known to have an enemy—several persons were arrested on suspicion, but the perpetrators remain, as yet undiscovered.

14. On the same day a Police constable was killed in an outbreak of the prisoners in the Gaol. One man was committed to the Sessions on a charge of murder and six others on charges of Abetment,* while one was admitted as Queen's evidence. From the above it will be seen that the Police in their detective capacity were altogether unsuccessful.

15. Two cases with five persons against none the previous year; 1 person was convicted under 304 and 3 of his companions for abetment, one acquitted on the grounds of the affair having been an accident.

Culpable Homicide 304.

* NOTE.—The first has since been hung, the other six transported for life.

16. One case with one person was brought to trial against none in 1867. The accused was acquitted.

Attempt to commit Culpable Homicide 109/304

Dacoity with Murder 395

17. Vide para 8 of this report.

18. Ten cases were reported. Of these, 2 cases with 9 persons were brought to trial, 8 persons convicted, 2 persons out of the above were convicted for assembling for the purpose of committing dacoity and one allowed to turn Queen's evidence.

Dacoity (Simple.)

19. Each affair will be considered according to the date of its occurrence.

20. The 1st was committed by 5 men on the 6th February 1868 at Thapongyo in Gwa circle about 40 miles North West of Toungoo, and property valued at Rs. 175 taken.

21. The 2nd was one in which ten men on the 13th February 1868 plundered property, valued at Rs. 300, at Magzee-gon in the same locality.

22. The 3rd occurred at Hpa-lau-gon, also in the same locality, in which 6 men on the 26th February 1868, took away property valued at Rs. 4 only.

23. The above three dacoities were unattended with aggravating circumstances. The persons concerned apparently belonged to a small gang that came from Burma Proper, against which the Police were powerless, for owing to their lack of information regarding the movements of the gang previous to their attacks and the time it necessarily took to report to the Police Station, the dacoits managed to re-cross the frontier before action could be taken.

24. The 4th occurred on 6th March 1868, at Mogoung Payah, a short distance to East of Toungoo, in which a Mussulman was robbed of property valued at Rs. 300. It is said 11 persons took part in this affair, of whom 5 were arrested from information given by some towns people, and some of the property recovered. Of these arrested Nga Hmoung, the leader, and three of his associates were convicted, another being allowed to give evidence for the Queen.

25. Nga Tsa Kyeeto (Nga Hmoay's lieutenant) was afterwards crucified by the Governor of Ningyan to whom a list of the remainder of the dacoits who escaped across the frontier was sent.

26. The 5th was committed on the 23rd March 1868 by a gang of 15 men who came across the frontier and plundered property valued at Rs 200, at Hlayboay Galay in Swa or the same locality referred to in the first 3 cases.

27. The 6th—Ayodoung in the same circle was threatened by a band of some 20 dacoits on the 1st April 1868 who burnt the village causing a loss of Rs. 932, but did not succeed in taking any property.

28. The 7th a gang of 8 men managed to take away property valued at Rs. 92/4 from Pynimadaw in Tsein Circle close to the frontier on the 5th May 1868.

29. Tha 8th was where a gang of 7 men attacked the village of Amot Kyee Gon also in Swa taking property valued at Rs 180.

30. The 9th was by a gang of 6 men that plundered property valued at Rs. 65 from Thanat Kon in Swa onthe

31. The remarks on the first three dacoities apply equally to the last five.

32. The 10th occurred at Kaylin-Zeik, on the Sittang about 20 miles North of Toungoo. Five men in open day attacked a boat taking treasure to a trader at Ningyan, and plundered it of property valued at Rs. 3,070. This was admirably handled by the Superintendent of Police, Mr. Jameson, in person and resulted in the arrest and conviction of four of the dacoits and in the recovery of Rs- 2,403.

33. One man who escaped with the remainder of the booty across the frontier, is said to have been killed by robbers in Upper Burma, who took from him all his ill-gotten gains.

34. Nga Kya, the leader and his three associates were subsequently committed to the Sessions on a charge of murder and abetment respectively. Two men were convicted of abetment of the above dacoity.

35. The Police force in this district is distributed as follows.

A line of 7 posts, containing about 140 men of all ranks guard the frontier. Coming South to Toungoo, a distance of 40 miles the Police is represented by 9 Goungs only. Again going South 13 Goungs are met with till we reach the Police post at Menlan 40 miles distant, between which and Bawnee another 56 miles, only 2 Goungs are to be found.

36. To effectually cover the extensive tract of country above alluded to, which are destitute of regular Police, an additional force is necessary.

37. This necessity was earnestly impressed on the Commissioner of Pegu and suggestions made by the Magistrate for the organization of a small body of men to be employed midway between Toungoo and the Frontier during the dry weather.

38. This recommendation was unfortunately not acceded to, and as the Superintendent of Police suffered severely from fever, the difficulty of keeping a proper hold over the Criminal population was the greater.

39. To check marauders who may be inclined to repeat raids in Swa Circle two schemes suggested themselves.

40. One was to have a post at Toungnyo-galay, midway between Toungoo and the Frontier composed of 2 or 3 men from each of the frontier posts, the other was to remove the post of Gyoben which is only about 3 miles from Myohla and the Frontier to Toungnyo-galay.

41. It has been considered more feasible to adopt the first, altho' it is, of course, impolitic to weaken the frontier guards, except in cases of necessity, and it is hoped the plan will succeed, especially as the Prome Police officials have made arrangements to act in concert with those on this side.

42. The number of Dacoities and Robberies that have occurred during the last five years is as follows :—

Years	Dacoity with Murder	Dacoity with grievous hurt.	Simple Dacoity.	Total Dacoities.	Robberies.
1864	1	..	...	1	2
1865	1	5	3	9	4
1866	2	1	2	5	1
1867	1	...	10	11	2
1868	1	..	10	11	11
Total...	6	6	25	37	20

43. By the above return it will be seen that those crimes from almost a minimum in 1864, suddenly made head in the following year; an improvement took place in 1866 followed by retrogade movement in 1867 and 1868 to be accounted for partly by fortuitous circumstances, namely the rebellion in Upper Burma, the great flood in 1867, and consequent dearness of the necessaries of life and the ill health of the Superintendent of Police (Mr. Anderson) during most of the dry season of 1868.

44. One case with two persons was brought to trial against one case and 3 persons in 1867.

Abetment of Dacoity. 109 395

45. There were 11 cases of robbery 3 being in the highway against only the 2 the previous year; of those 4 cases with 13 persons were brought to trial. Of the latter 7 were convicted. The only case attended with aggravating circumstances was that of a Shah Pedlar, who in September last was struck with a bludgeon by a Burman and left senseless on the road in Pouk taw. This case ought probably to have been tried under Section 394 instead of 392.

Robbery. 392.

45. *(a)* The services of Moung Soh Bong, Goung of Pouktaw in bringing the offender to justice were brought to the favorable notice of the Commissioner. Another case where 4 men robbed a traveller in Bombaddie at the instigation of his servant was also well handled by the Myooke and Thoogyee, the perpetrators having been convicted and the whole of the stolen property recovered.

Assembling for the purpose of committing Dacoity 402

46. One case with 8 persons including 2 persons transferred from dacoity were brought to trial against none in 1867.

Kidnapping.

47. One case ascertained to have been committed against one case and one person in 1867.

Rape.

48. One case, one person was brought to trial against none in last year. The accused was acquitted as it was ascertained that the charge was made through pique.

Criminal breach of trust 403.

49. Same as last year.

Lurking or house breaking by night for the commission of theft 457.

50. 8 cases reported against 20 in last—3 cases with 7 persons were brought to trial against 4 cases and 13 persons in 1867; of the former 6 were convicted. It is probable all cases of this sort were not reported.

Theft 379.

51. 86 cases were reported against 48 cases the last year; of these 56 cases with 86 persons were brought to trial against 32 cases and 49 persons in 1867—14 cases of cattle theft are included in this number against 8 cases the previous year.

Theft, 380.

52. 111 cases were reported against 64 cases the previous year—48 cases with 62 persons were brought to trial against 27 cases and 37 persons in 1867.

Theft, 381

53. 2 cases with 2 persons were brought to trial against 1 case and one person in 1867.

Attempt to Commit theft 109/380

54. One case with one person was brought to trial against none in 1867.

55. Theft cases under Sections 379, 380 and 381, have therefore increased at the rate of 67 % over last year owing to causes explained in 1st para. of this report.

56. Credit is due to the Police for the extra care in the preparation of cases; resulting in a greater ratio of convictions than obtained in 1867.

Receiving stolen property 411.

57 13 cases were reported against 3 cases in 1867, of these 12 cases with 18 persons were brought to trial, 13 being convicted.

58. Increase owing partly to dearness of provisions partly to people who have lost property taking more pains to discover it.

Receiving stolen property knowing that it was obtained by dacoits, 412.

59. One case with 2 persons was brought to trial against none in 1867.

Assisting in concealment of stolen property, 214.

60. One case with one person was brought to trial against none in last year.

Bailable Cases.

61. 504 cases with 1,004 persons, against 438 cases and 689 persons the previous year. Petty assault cases have exactly doubled and insult cases have increased at the rate of 30 per cent, but as the acquittals amount to 70 per cent, it would appear that the majority of persons heedlessly invoke the aid of the Law.

62. 8 Cases with 16 persons were reported and brought to trial against 9 cases and 15 persons the previous year.

Bad livelihood 295 C.P.

63. The number brought to trial compared with the results in seaport towns is certainly very few, but the Magistrate is able to bear testimony to the willingness of the Police to enforce the provisions of the Law with the utmost force. The great drawback to the successful prosecution of persons for bad livelihood, is the extreme unwillingness of Loogyees and others in this district to give evidence, altho in familiar conversation with the Magistrate or the Superintendent of Police, they are by no means so reticent as they are when brought to Court or the Police Office.

Rioting 147

64. One case with 10 persons was brought to trial against one case and 3 persons in 1867.

65. Two rival factions of Chinese had a fight in which sticks, brickbats and bottles were freely used. No one was seriously hurt, and the affair was over in a few minutes. An example was made of 10 men convicted, which it is hoped Chinamen have taken to heart.

Affray 160.

66. 5 cases with 34 persons were brought to trial against 4 cases and 10 persons in 1867. They were all petty affairs.

87. The abundant harvest that has been made last season and the accounts of the low prices of grain in Burma Proper, will it is trusted tend to lessen crime during the coming year. Still with such an enormous tract of country to be controlled, it is absolutely necessary that the police machinery should be more effective than it is, to guard against dacoities and robberies in the many localities far from police supervision. With a force sufficient only to allow one policeman to every 26 miles, it is no wonder that it fails in its detective element.

88. Mr. Jamoson has been Superintendent of Police since August 1868 and has always cordially and efficiently accorded his aid to the Magistrate in the control of the district.

Notices of officers

89. The promises that Mr. Duke, Assistant Commissioner gave in 1867 of being a good Criminal Judicial Officer have been borne out by the manner in which he has conducted his duties during the past year.

90. It would be premature to report on Lieutenant Thorp's qualifications.

91. Moung Htine, Extra Assistant Commissioner, 2nd Class, 2nd Grade, continues to perform his duties in a creditable manner.

92. The four Burmese Extra Assistant Commissioners, 3rd Class, 5th Grade, may be classed together as ordinary Criminal Judicial Officers—do their work fairly and to the best of their abilities.

93. Of the two Karen Extra Assistant Commissioners *Moung Dway* continues to do his work well, while Moung Shwè Moung has been suspended for gross neglect of duty.

94. The records of the Lower Courts have been regularly inspected monthly and are kept in proper order.

REPORT

OF THE

DISTRICT MAGISTRATE OF AMHERST.

For 1868

LIST OF STATEMENTS SUBMITTED.

1. The following Statements are forwarded with this portion of the Report.

1. General Statement.

2.—Statement of Detail of Criminal work.

3.—Statement of degrees of punishment.

4.—Statement of attendance of witnesses.

5 A.—Statement of disputes regarding land.

5 B.—Statement of frivolous and vexatious complaints, &c.

6.—Statement of Appeals.

7. Statement of cases in which European British subjects were concerned.

8.- Statement of duration of cases

STATEMENT No. 1.

TOTAL OFFENCES COMMITTED.

2. There is a slight increase in the number of offences ascertained to have been committed, the numbers being:

1867	1,541
1868	1,613
Increase	72

The increase however is entirely under the head of Bailable Offences. The number of Non-Bailable offences having slightly decreased during the last year. The number being:—

1867	817
1868	802
Decrease	15

Among the offences which on account of their gravity or number call for particular remark, it is observed that there has been one more case of murder in 1868—than in 1867. The number being 5 in 1867 and 6 in 1868.

Dacoities have decreased,—there having been 18 in 1867 and only 14 in 1868. Thefts also have decreased from 628 in 1867 to 602 in 1868. Cases of receipt of stolen property however have increased from 11 cases in 1867 to 67 cases in 1868.

Disposal of Non-Bailable Cases.

3. The following is a comparative statement of the manner in which persons accused of Non-Bailable offences were disposed of during the last two years:

Year.	No. of Persons.	Committed.	Convicted.	Acquitted.	Died, Pending, &c.
1867	596	28	262	280	26
1868	627	19	272	321	15

The result is slightly unfavorable for the past year as whilst in 1867—290 persons out of 596 was committed or convicted, in 1868 only 291 persons out of 627 were disposed of in the same manner.

Complaints withdrawn.

4. Under the head of Non-bailable offences the number of persons against whom the complaints were withdrawn, has decreased considerably during the past year, the number being:—

1867	... ...	82 in Number.
1868	... .	21 do.
Decrease	... .	61

Non-Bailable Offences.

5. Among the Non-bailable offences and offences punishable under Local or Special laws there are none that appear to call for remark except those of Bad-livelihood, Breach of the Excise Laws and Gambling.

BAD-LIVELIHOOD.

6. The number of arrests and convictions for Bad-livelihood has considerably increased during the past year. The numbers being :—

Arrested.	Convicted.	Acquitted.	Year.
36	14	21	1867
71	52	19	1868
Increase 35	Increase 38	Decrease 2	

ABKAREE CASES.

7. In Abkaree cases there has been a considerable decrease both in the number of cases and persons tried. The numbers were as follows:

	Cases.	Persons.
1867	... 76	103
1868	... 61	81
Decrease	... 15	22

Of the persons tried in 1868, 38 were convicted and 42 acquitted. The decrease in the number of Abkaree cases, is no doubt owing to the provisions in the new Abkaree Rules, allowing a person to have five tolahs of opium in his possession at one time instead of only one tolah as before.

The experience of the past year shows that this alteration in the Rules is likely to have a most pernicious effect in this District. The following remarks of Mr. Forbes, Assistant Commissioner, in charge of the Martaban Sub-division on this point, are as follows :—

"The township of Thatone is every year steadily increas-
"ing in population by the immigration of Thoungthoos and
"Shans from the Shan States. The number of Exemption
"Tickets granted to this class last year was over 100—and
"this will I believe go on steadily. Here is to all appearance
"a certain element of increasing prosperity for these races,
"though perhaps a little unruly, are far more active and in-

"dustrious than the "Taline and Burmese." But there is an "underlying fact (showing its result gradually more and more) "that in a very few years will make this portion regarded as "a plague spot in the division. I mean the fact that nearly "the whole of the young generation of Thoungthoos and Ka-"rens are growing up habitual opium eaters. I make the "assertion advisedly. The matter has long been one of an-"xiety to me. I can name several villages both Karen and "Thoungthoo—in which I am safe in saying that not 5 per "cent of the inhabitants including men, women, and children "do not take opium in some way more or less. How are the "results even now showing themselves. In the steady and "alarming increase of Cattle Theft without any other cause "such as scarcity or bad seasons to influence it—I would beg "to refer you to the Police Returns of this Subdivision.

"When a Thoungthoo or Karen has once begun eating "opium he is a lost man—he cannot or will not work, and must "find some means of obtaining, if not rice, at least his beloved "drug, and almost naturally he takes to cattle stealing.

"I believe Chinamen, can and do smoke opium, without "more injury to themselves in any way than is caused by "the use of beer amongst ourselves—but these races simply "diglute the pure drug in their mouths are acted on by it in "a manner sad to contemplate.

"I need not say, I think, that this sale of opium is car-"ried on in the district almost entirely by Chinamen, I have "been for the past year trying hard to fight against it but I "grieve to say but with indifferent success. It requires great "caution in dealing with cases, that they may not be rever-"sed in appeal. Information can generally only be obtained "through spies or informers, a class of evidence justly viewed "with suspicion in a Court of Justice, and the delinquent is "always ready with 2 or 3 of his countrymen as witnesses who "swear that they were in the house all day and did not see "the informers come there or see them buy any opium. It is "oath against oath and both worth as much.

"Again since the new opium rules by which each man "may have 5 tolahs in his possesion a Chinese opium vendor "can always keep 15 to 20 tickals or more in his house "in stock. He has living in his house, 3 or 4 Chinamen pro-

"fessedly coolies or pedlars, who really are his Agents and if "his house be searched on information and 20 tickals of pure "opium found he pleads "I have 3 men living with me, and "we are allowed 5 tickals each"—and his plea is good. These "pedlars living with him, who go round the small villages "selling cotton twist, the stock of which in the basket never "seems to diminish, are his under Agents carrying 5 or "more tickals of opium with them each trip, which they dis- "pose of in packets of 4 and 8 annas and 1 Rupee weight.

"The opium farmer is supposed to keep a register of all "his sales. I seized the other day 50 (I think) tickals in a "boat. The owner confessed he had bought it from the "farmer the day before for his own use—could this be found "in the register? A Thatone Chinaman went down to Maul- "main, and I received information he had 30 or 40 ticals of "opium in his boat coming back, but the moment the boat "with the sergeant came near his a large packet of something "(he said refuse rice) was thrown into the river—would it "have been any use to look for an account of this opium in "the Farmer's register?

"But I need not tell you of the ingenuity of a Chinaman "in baffling detection in smuggling. I would beg you Sir "from your experience to teach me how to deal with this pest— "I must respectfully state that I cannot increase my watch- "fulness.

"The matter is one that must be dealt with sooner or "later—the only fear is whether, when the inhabitants of all "the northern villages in this subdivision have been morally "ruined, it may not be too late.

"The Abkaree Rules are I believe yearly revised about "this time, and if anything can be devised to check this grow- "ing evil, it will be an inestimable benefit to the district. "The number of Chinamen in and round Thatone is increasing, "and with them the sale of opium.

"Any Loogyee or respectable elderly inhabitant will fully "confirm all I have said if he be interrogated." With these re- marks of Mr. Forbes the Deputy Commissioner fully agrees—the knowledge he has obtained of this district during the year that he has been in charge of it has convinced

him that the gradually increasing use of opium by the indigenous population is a most alarming evil, which requires to be combated with stringent measures.

It is notorious that the drug affects the constitution of a native of this country much more powerfully than that of a Chinaman. In ninety nine cases out of a hundred in this country the habit of opium eating or smoking produces moral and physical ruin.

The epithet "opium eater" here is synonymous with "Bad-mash" in India. Unless something is done to check the evil, the well-being of the people and ultimately the Government Revenue will be seriously imperilled. It appears to be a matter of regret that now that the Abkaree Rules in their present form have been stereotyped as it were by a Legislative Act, it will not be possibe to obtain any alteration in them so easily as before.

Cases of Gambling.

In 1868 there were 29 persons brought up in 27 cases for the offence of Public Gambling, punishable under Act III of 1867, of these 25 persons were convicted and 4 acquitted with regard to the vice of gaming which, like that of opium eating is the prolific source of much crime, the Deputy Commissioner would beg to re-iterate the substance of the remarks already submitted by him in his letter No. 96 dated 26th November last and No. 103 dated 21st December last.

It was in those letters brought to notice that the state of the law with regard to gambling since the passing of Act III of 1867 entitled "an Act for the punishment, of public "Gambling and the keeping of common gambling houses in "British Burma". The title would perhaps have more accurately described the effect of the Act had it run thus "An "Act for the punishment of public gambling and for the keep-"ing of common gaming houses (outside the large towns) in "British Burma."

Previous to the introduction of this Act, gambling was effectually dealt with in a manner analogous to that in which it appears to have been dealt with in the Regulation Provinces of India. In those provinces there being no specific enactment in the Regulations against Gambling, the Magistrates under a construction of the Sudder Court dealt with such

cases under the Mahomedan law, by which gambling was punishable, upon the principle, it is presumed, that in a conquered country until the ancient laws are altered by the conqueror they remain in force- so in this District as long as there was no specific Act on the subject, the Courts treated gambling cases as punishable under the common law of the country, there being no doubt that under native Rule here public gambling without license was punishable.

This of course left a good deal to the discretion of the Magistrate, but in a country like this where the people are so readily lead away by the excitement of gambling, and part so freely with their money, it was found to be absolutely necessary for the prevention of more serious crime that a check should be put to the practice of keeping common gaming houses which always become schools for thieves and receptacles for stolen property. Since the introduction of Act III of 1867 however, gambling can be dealt with only under that Act.

In the large towns to which only the whole of the Act (under Section 2nd) can be extended, its provisions are as effectual as could be desired, but beyond those limits it confers absolute impunity on the keepers and frequenters of common gaming houses, providing for the punishment only of such persons as shall be found gaming in a public place. This change in the law is now becoming well known to the people and full advantage is taken of it. No one, of course, is now so foolish as to gamble in a public place, where he might be arrested, when he can do so much more comfortably in a house from which he can laugh at the Police and the Magistracy.

The new law is highly popular with the criminal and doubtful classes of the population, but numerous complaints have been received from the respectable residents of the districts of the bad affect of the unlimited gambling which now goes on, especially at " Pwais " and other large gatherings of people.

In many of the larger villages gaming houses are constantly open and hardly a feast can be given without some one opening a gaming house, for the time, in the vicinity. These places attract the bad characters of the neighbourhood

and frequently seduce young and foolish individuals, among the otherwise respectable portion of the community, into the habit of gambling, much to the grief of their friends and relatives, who have urged that such a state of things should not be allowed to exist.

But without a change in the law, nothing effectual can be done towards stopping the gambling which is now becoming rife in the District, and which will inevitably lead to an increase of crime.

Breaches of Forest Rules.

The cases tried by the Assistant Conservator of Forests in his capacity of Subordinate Magistrate, 2nd Class, appear to have been omitted in former Return from this District. They have now been inserted.

Detail of Work performed by different Courts.

From Statement No. II it will be seen that, there has been a considerable increase in the amount of work performed by the Deputy Commissioner and Thatone Assistant Commissioner's Courts, a slight decrease in the work performed by the Court of the Assistant Commissioner, Maulmain, and that the work performed by the Extra Assistant Commissioner was about the same in 1868 and in 1867.

In 1867 the Deputy Commissioner's Court disposed of 75 cases only, whilst in 1868 it disposed of 136.

The proportion of acquittals and convictions is about the same in both years.

In 1867, 3 persons were committed, and 2 punished and 55 acquitted; whilst in 1868, 7 persons were committed 131 punished and 95 acquitted.

In the Maulmain Assistant Commissioner's (Mr. Barr) Court 220 cases were disposed of in 1867, and only 200 in 1868; the proportion of convictions however has largely increased. In 1867, 26 persons were committed, 163 only punished, and 333 acquitted. In 1868, 12 persons were committed, 165 punished, and 171 only acquitted.

In the Thatone Assistant Commissioner's Court, the cases disposed of have increased from 106 in 1867, to 139 in 1868; and the proportion of convictions to acquittals has largely increased. In 1867, only 62 persons were convicted

and 99 acquitted, whilst in 1868, 3 persons were committed and 15 convicted against 75 acquitted. A larger proportion of convictions than in any other Court in the District.

In the Courts of the Extra Assistant Commissioners the same number of cases have been disposed of in each of the last two years, viz: 715, but the proportion of acquittals has somewhat increased, there having been 494 acquittals to 473 convictions in 1867, whilst in 1868 there were 635 acquittals to 417 convictions, and this altho' the number of cases in which the complaint was withdrawn has decreased from 74 in 1867 to 18 in 1868.

The following table shows the number of Acquittals in each Court during the past year:—

	Convicted.	Acquitted.	Complaint withdrawn.
Extra Assistant Commissioner, 1st Class, Kawkarit	30	32	1
Extra Assistant Commissioner, 2nd Class, Zaya...	69	93	2
Beeloogyoon	50	49	1
Amherst	32	66	3
Yea Lamaing	37	18	1
Gyaing Salween	53	109	4
do. Attaran	28	38	1
Hlinebway	26	30	0
Martaban	28	100	4
Thathoon	23	36	1
Hpagat	21	20	0
Haundraw	20	26	0
	417	617	18

The proportion of acquittals, in the case of the Martaban Extra Assistant Commissioner (Moung Khyeet) it will be seen, is enormous. He was reprimanded during the year for releasing prisoners sent up by the Police without making a sufficient enquiry into the cases.

Degrees of Punishment Inflicted.

In the number of sentences inflicted by the Deputy Commissioner's Court under the special powers with which it is in-

vested under Act XI of 1862, there has been an increase of 1 only during the past year, the numbers having been 13 in 1867, and 14 in 1868. In the number of punishments inflicted by the Deputy Commissioner's Court under its ordinary power there has been a considerable increase during the past year, the numbers being as follows:

1867	.....	.....	47
1868	.....	.....	99
Increase...	.....	.....	52

In Mr. Barr's Court (Assistant Commissioner, Maulmain) there has been a considerable increase in the number of sentences above one year the numbers being:—

1867	.....	.....	29
1868	.....	.....	45
Increase...	.....	.....	16

FINES IMPOSED AND REALIZED.

In the amount of fines both imposed and realized there has been a considerable increase during the past year, the amount being:

			Imposed		Realized.
1867	...	..	Rs 16,998	Rs.	8,994
1868	...	..	„ 22,073	„	9,192
Increase	...	..	Rs. 5,075	Rs	198

There was a large increase in fines imposed in the Deputy Commissioner's Court where the amount rose from Rs. 1,180 in 1867, to Rs. 4,755 in 1868. The amount realized rose from Rs. 910 in 1867, to Rs. 1,325 in 1868.

In the Maulmain Assistant Commissioner's Courts the amounts fell in 1867, being as follows:—

			Imposed		Realized
1867	..	.	Rs, 9,455	Rs.	2 360
1868	..	...	„ 8,175	„	1,925.
Decrease	..	...	Rs 1,280	Rs	435

In the Courts of the Assistant Commissioner Thatoon, the presiding officer of which (Mr. Forbes) was invested with full Magisterial powers during the year there was a very large increase the amounts being:

		Imposed	Realized.
1867	... ...	Rs. 261	Rs. 756.
1868	... ...	„ 4,094	„ 2,383.
Increase	... ...	Rs. 3,833	Rs. 1,627.

In the Courts of the Extra Assistant Commissioners there has been a decrease during the past year, the amount being as follows :—

		Imposed	Realized.
1867	... ... Rs.	5,602	Rs. 4,968.
1868	... ...	4,834	„ 4,343.
Decrease	... ... Rs.	768	Rs. 625.

Amount paid in Compensation.

The amounts ordered to be paid and paid in compensation to injured parties under section 44 Criminal Procedure Code have increased during the year and are as follows :

		Ordered	Paid.
1867	... ...	Rs. 758	Rs. 350.
1868	... ...	„ 1,632	„ 980.
Increase	... ...	Rs. 874	Rs. 630.

Attendance of Witnesses.

The witness attendance Return shows a considerable increase in the work performed by the Courts, as regards the examination of witnesses, the increase being chiefly in the Courts of the Deputy Commissioner and Assistant Commissioner Thatoon. In the Court of the Assistant Commissioner Maulmain there has been a slight decrease, the numbers examined in 1868 being 430 only, against 506 in 1867.

Out of the 2,519 witnesses examined in 1868, 2,279 were discharged on the same day that they were examined.

In the Deputy Commissioner's, Assistant Commissioners' Courts none were detained more than 3 days and in the Extra Assistant Commissioners' Courts none more than 8 day

Disputes about Land Tax.

The provision of the Code of Commissioner Proceeding regarding disputed possession of Land or right of use of water have not been made use of by any one in this district, neither were any persons fined for false and frivolous complaints, contempt or disobedience of orders.

There were two cases in which wives sued for maintenance, and in both cases maintenance was awarded.

Duration of Cases.

The duration of cases in the Deputy Commissioner's Court has increased from 5 days in 1867 to 11 days in 1868, in consequence of the prolonged periods during which the Deputy Commissioner was absent in the interior of the District. Two cases in which the accused was found to be of unsound mind have been kept on the pending file since the 6th August 1868. The accused in both these cases is the same individual. In column 19 of Statement No. 1 and other places he has been entered as two persons from being concerned in two cases. In the Court of the Assistant Commissioner, Maulmain, the average duration has decreased from 12 days in 1867 to 10 days in 1868. In the Court of the Assistant Commissioner, Thatoon, the average has increased from 2 days in 1867 to 3 days in 1868. And in the Courts of the Extra Assistant Commissioners there has been a decrease of 3 days —The avarage duration in 1867 having been 7 days whilst in 1868 it was 4 days only. The total average for the district was about the same during the last two years viz: 6 days.

Criminal Appeals.

The numbers of Criminal Appeals has increased considerably during the past year, the numbers having been 30 in 1868 against 18 in 1867. The result of the appeals in 1868 was more favorable to the decisions of the town Courts than in 1867, for, whilst in 1867 only five out of the eighteen decisions appealed against were confirmed, in 1868, 15 out of the 30 decisions appealed against were upheld.

In 1867 eleven decisions were reversed and in 1868 only were reversed and five modified—the only judges whose decisions have been absolutely reversed are Moung Khyeit, Extra Assistant Commissioner, Martaban, and Moung Shwè Ey, Extra Assistant Commissioner of Zaya.

Stamps in Criminal Cases.

The following is a Comparative Statement of the Stamps filed in Criminal Cases in the different Extra Assistant Commissioners' Courts during the past two years:—

		1867				1868		
Zaya	Rs.	90	13	0	Rs.	109	1	0
Beeloogyoon	„	75	7	0	„	71	6	0
Amherst	„	31	7	0	„	47	5	0
Ye-Lamaing	„	10	12	0	„	19	0	0
Gyne Salween ...	„	61	7	1	„	87	13	0
Do Attaran ...	„	30	8	0	„	42	0	0
Hlinebway	„	15	4	0	„	26	3	0
Houndraw	„	15	8	0	„	20	0	0
Martaban	„	38	8	0	„	99	6	0
Thatoon	„	0	0	0	„	33	8	0
Hpagat	„	15	0	0		23	5	0
Total	Rs.	384	10	0	Rs.	578	13	0

Whilst the provisions of the new Stamp Act XXVI of 1867, are considered very severe in Civil cases, there have been no complaints about the small stamp now required in Criminal cases—In fact the complainants in such cases are now put to far less expense than they were formerly when they had to pay for processes and process serving.

Cases sent up for sentences given Extra Assistant Commissioners' Courts.

Some cases having occurred in which Extra Assistant Commissioners sentenced old offenders when brought up for petty thefts to slight punishments, they have been directed not to pass sentence on any persons for theft or similar offences who may be known to have been convicted of such crimes before, but to send all such persons upon conviction for sentence by the Deputy Commissioner's Court, under Section 277 Criminal Procedure Code.

WANT OF ASSISTANT COMMISSIONER AT KAWKARIET.

The want of Assistant Commissioner, European, with first class subordinate, or full Magisterial powers at Kawkariet is much felt. At present there is no one there but an old native Extra Assistant Commissioner, 1st class, with the power of a Subordinate Magistrate of the 2nd class, who is almost useless.

The wild inhabitants of the sub-division have a great dread of being brought into Maulmain to give evidence. The people of the low country have a great dread of going into the hilly tracts of this sub-division on account of its feverish climate, but the fear undergone and the risk run by such persons going into these high lands is nothing compared with the fear, and actual dangers incurred by the poor highlanders who are brought down to the region of sea-breezes. A visit paid to Maulmain by such people frequently brings on disease which terminates fatally.

Mr. Barr, Assistant Commissioner, Maulmain, had the full powers of a Magistrate all through the year; and Mr. Forbes, Assistant Commissioner, Martaban, was invested with such powers in————1868. They have been ordered however under instructions from the Commissioner not to take up any Sessions cases, which can also be disposed of by the Deputy Commissioner's Court under the extraordinary powers conferred by Act XV of 1862. The other Magistrates in the District have only the powers of a Subordinate Magistrate of the 2nd Class.

REMARKS ON OFFICERS.

22 Full remarks have been made upon the qualifications of officers in the Civil Justice Report. These remarks apply to them equally as Criminal Judges.

POLICE OFFICERS.

23. The Police in this District where the price of labour is so high have many disadvantages to contend with, but all that could be done by the able Superintendents who have held office during the year (Major Hamilton and Mr. Pattisson) has been done and done well. Mr. Redpath, Assistant Superintendent of Police, in charge of the Martaban Sub-division, appears also to be a most efficient officer

REPORT

OF THE

TOWN MAGISTRATE OF MAULMAIN.

For 1868.

From GEORGE EYRE BARR Esquire, Officiating Magistrate, Maulmain, to Lieut-Colonel E. M RYAN, Officiating Commissioner Tenasserim Division, British Burma, No. 13 dated Maulmain, the 23rd January 1869.

I have the honor to submit the Annual Criminal Statement of the Town of Maulmain for the year 1868 in duplicate together with a Report.

The office of the Magistrate was held by J. K. Macrae Esquire from the 1st January to 11th December, and by myself from the 12th to 31st December 1868.

There were for trial during the year 1,539 cases involving 3,900 persons, of whom 2,480 were convicted, 16 committed, 1,355 acquitted and 49 pending trial.

The proportion of acquittals to convictions is 54½ per cent.

The diary of attendance of witnesses in the Magistrate's Court shows that out of 3,510 Witnesses, 2,598 were discharged the first day, 385 on the second day, 416 on the third day, 77 on the fourth day, 30 on the fifth day and 4 on the sixth day.

Of suits under Act IV of 1840 none were instituted.

There were 15 cases under Act III of 1857 instituted during the year under review.

Statement No. 1, column 18, shows 29 cases pending at the close of the year.

	1867	1868
Convicted	180	192
Committed	4	14
Acquitted	75	59
TOTAL..	259	205
Summoned by Magistrate	1824	3088
Sent in by Police	1056	812
TOTAL..	2880	3900
Default	298	481
Compromised	55	42
Recognizance	1	..
Unconditional	720	832
TOTAL..	1074	1355

The convictions, committals, and acquittals as exhibited in Statement No. 1 are shewn in the margin, as are also the general analysis of the acquittals.

The ratio of convictions was equal to 64 per cent this year against 65½ per cent in 1867.

The Police, I understand, have done their duty fairly.

Mr. Gay, the Assistant Superintendent in charge of the Town, is an excellent Police Officer.

REPORT

OF THE

DISTRICT MAGISTRATE OF SHWE-GYEEN.

For 1868.

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From CAPT. C. E. WATSON, Deputy Commissioner, Shwè Gyeen District, to the Commissioner of Tenasserim Division, British Burma, Maulmain, No. 19, dated Pahpoon, 20th February, 1869.

I have the honor to submit the following report on the Criminal Administration of the Shwè Gyeen District for the year 1868.

II. The Magistrates and Assistant Magistrates during the year, were, Captain G. A. Strover up to the 6th January 1868, Captain C. J. F. S. Forbes from 7th January to 7th February in charge of the Deputy Commissioner's Office, and Captain C. E. Watson, Magistrate of the District from the 7th February to the end of year. Mr. H. Buckle and Mr. A. Hough were Assistant Commissioners of Yoonzaleen and Sittang throughout the year. Extra Assistant Commissioner Moung Tau, Moung Shwè Bwen, Moung Hmat, Moung Wetglay and Moung Kyah-nyo were in charge of the Kyouk Kyee, Shwè Gyeen, Sittang, Beeling and Yoonzalien Townships repectively, throughout the year.

III. There were for trial during the year 778 cases in which 1,315 persons were concerned, of whom 3 were committed to Sessions; 765 convicted; 357 acquitted on trial; 168 complaints in petty cases were withdrawn; leaving 6 cases and 22 persons pending at the close of the year.

During the year 297 cases of heinous crimes were reported; of this number, 141 cases, or 48 per cent were brought to trial, a good improvement on last year, when the percentage was only 38.

IV. The diary of attendance of Witnesses at the District Court showed 473 persons, 441 of whom, or 93 per cent were discharged on the 1st day ; 25 in 2 days ; 3 in 3 days ; and 4 in 4 days. None were detained beyond 4 days. In the Courts of the 2 Assistant Commissioners, 353 persons attended, of whom 308, or 87 per cent were discharged on the 1st day ; 36 on the 2nd ; 1 on the 3rd ; 1 on the 4th ; and 7 on the 5th day.

In the 5 Myo Okes' Courts a total of 632 Witnesses attended, 599 or 95 per cent were discharged on 1st day ; 20 on 2nd day ; 11 on 3rd day ; and 2 only on the 4th day From this it would appear that there has been no unnecessary detention of witnesses at any of the Courts The shortest detentions have occurred in the Court of the Assistant Commissioner of Yoonzaleen, and the Extra Assistant Commissioner at Yoonzaleen

V. The convictions, acquittals, and committals in Non-bailable offences are shown in Statement No 1, as per margin.

	1867	1868
Committed	4	9
Convicted	100	132
Acquitted	44	30
	148	171
Summoned by Magistrate	1	3
Sent in by Police	153	169
	154	172
In default	0	0
Compromised	0	0
Recognizance	0	0
Unconditional	44	30

The ratio of convictions to offences tried is 77 per cent in the year under review, against 68 per cent last year. In Bailable offences the proportion of convictions to offences brought to trial was 55 per cent. If the 168 offences on which the complaints were withdrawn were excluded, the percentage would then be 65.

VI The result of Appeals to the Magistrate of the District is shown below. The result is on the whole not very satisfactory, more especially so with regard to Extra Assistant Commissioners Moung Tau and Moung Shwè Bwen.

	Rejected.	Confirmed.	Reversed.	Modified.	Returned for re-investigation or revision.
Mr. H. Buckle, Asst. Commissioner, Yoonzaleen	0	2	1	0	0
Moung Byau, Ext. Asst. Commr. 1st Class, Sittang.	0	0	0	2	0
Moung Ngyaing, Extra Asst. Comm. 2nd Class, Shwè Gyeen.	0	1	0	0	0
Moung Tau, Ex. Asst. Commissioner 3rd Class, Kyouk Kyee	0	2	2	0	0
Moung Wetglay do do Beeling	0	1	0	2	0
Moung Hmat, do. do Sittang	0	2	1	1	0
Moung Shwè Bwen do do Shwè Gyeen	0	1	2	1	0
	0	9	6	6	0

VII The result of Appeals and Commitments to the Sessions Court is follows —

	Rejected	Confirmed.	Reversed.	Modified
Appeal under Act IV, of 1840	0	5	0	2
Regular Appeals	0	0	0	0
Miscellaneous	0	0	0	0

Commitments.	Cases.	Persons.
Convicted	2	2
Referred	0	0
Acquitted	0	0

There was only one Prisoner pending trial before the Sessions Court at close of the year. He was committed only 10 days before the close of the year. One prisoner pending trial at the close of 1867, was convicted by the Sessions Court during the present year.

VIII. There were no suits instituted under Act IV of 1840 and Act III of 1865. Only 3 Prisoners were sentenced under the Whipping Act. The reason being that there are very few incorrigible thieves in the district.

IX. The following Statement shows the variations in the principal Heinous crimes committed during the past 2 years.

	1	2	3	4	5	6	7
Years.	Murder Sec: 302-307	Dacoity 395-396	Robbery 392-393	Rape 376	Theft 379-280	Receiving stolen property 411-414	House breaking and wounding in attempt at do. 457-459
1867	5	2	1		225	21	9
1868	2	12	1	3	230	30	14
Increase	.	10	.	3	5	9	5
Decrease	3	.					

There was only one Murder committed by an insane man during the year. The Lunatic is now in confinement in the Maulmain Gaol under Sec: 390 Criminal Procedure. There was one Attempt at murder by a sepoy, who through feelings of revenge for some supposed injury presented his loaded musket at his Native Officer, and pulled the trigger; the cap snapped and a struggle ensued in which the Subadar was severely wounded with a bayonet.

Of the 3 cases of Rape tried, a conviction was procured in only one. In the other 2 cases there was great doubt if any offence was actually committed. There was only one Robbery, not of serious nature. The offenders were tried and convicted.

The offences of Theft and of receiving stolen property are much the same as last year, needing no particular comment. The great increase in the crime of Dacoity is entirely owing to an abnormal state of affairs on the Frontier, consequent to

the sudden flight of the Mengone Prince, whereby a portion of his army as well as of that of his opponents have been thrown out of employ. Many of these men are outlaws unable to return to their homes. Moreover differences have lately arisen between the Karenee Chiefs; the semi-independent Shan Tsaubwahs nominally tributary to Zimmay, and the Chief of Hminelongyee. Bands of Dacoits have consequently roamed at pleasure along the Salween between the Kaimaypyoo Choung and Dhagwintsike, more usually plundering on the Eastern side, but occasionally crossing over to British Territory. Without the co-operation of the neighbouring chiefs it is simply impossible to check the inroads of these marauders, who are always able to re-cross into Foreign Territory, before the Police even hear of their attacks. Of the 12 Dacoities committed 4 were attended with murder, 10 were committed on the Yoonzaleen; 1 in the Shwè-Gyeen; and 1 in the Sittang Sub-division. The gangs in every instance consisted of Shans and Karenees. No men of the District were concerned.

X. The number of cases disposed of under Act XV of 1862 were 19 against 21 in the previous year. In 9 only of these cases were punishments beyond the ordinary powers of the Magistrate inflicted. The commitments to Sessions were only two.

XI. There were no persons prosecuted for breaches of the Stamp Act during the year. The law has now become generally known throughout the District, consequently Bonds &c., are almost invariably written on stamped paper. The few cases of omission brought to the Collector's notice arose through ignorance or accident, so the proper stamps were allowed to be impressed on payment of the deficiency with penalty.

XII. To judge from the result of the past year it would not appear that the imposition of Stamp duty has had any effect in reducing the number of petty complaints. This slight duty is by no means considered oppressive, or in any way calculated to throw obstacles in the way of the poorer classes obtaining redress.

Since the abolition of the fees formerly paid on Criminal processes, cheaper justice is afforded in Criminal cases than before the new Stamp Act came into force.

XIII. 267 persons were prosecuted for gaming under Act III of 1867, which is in operation in only 4 Towns in this District. The extension of this Act to British Burma has doubtless encouraged rather than checked this offence. Formerly gambling was prohibited every where, whereas now people assemble in closed houses in the large Villages and outskirts of the Towns and gamble to their heart's content.

XIV. The fines during the year amounted to Rs. 6,687-4-0 of this sum Rs. 4,536-0-0 or 67 per cent were realized—Rs. 1,369-12-0 were paid as compensation under Section 44 of the Criminal Procedure.

XV. The Books kept by the Registrar of Deeds have been periodically inspected and found in good order and correctly kept.

XVI. The Library books are carefully kept but not neatly arranged, for want of a book case which will shortly be supplied.

XVII. The records are well arranged and kept in good order; no old records that have been kept the authorized time have been destroyed during the year. This work will be undertaken soon.

XVIII. The Bailiffs security bond has been renewed during the year. The sureties being men of substance, the security is considered good and sufficient.

XIX. The Assistant Commissioners' and Extra Assistant Commissioners' Registers and Records have all been inspected during the year; when mistakes have been noticed they have been pointed out and explained.

In the Courts of the Assistant Commissioners every thing was found correct.

The Registers were all neatly and properly kept, and no mistakes in procedure were noticed in the cases examined.

Of the Extra Assistant Commissioners, Moung Shwe Bwen had his office in the most effective state, Moung Hmat of Sittang, and Moung Wetglay of Beeling and Kykehto had every thing in fair order; Moung Tau and Moung Kyaneo

of Kyoukkyee and Yoonzaleen were found fault with, especially the former. It is however to be hoped that both of them will improve, as great pains were taken to explain all the errors and irregularities that were noticed. A detailed statement of the result of the examination of all the Courts will be included in the next Revenue Report as per Chief Commissioner's Circular No. 196 dated November 1867.

XX. In conclusion I have the pleasure to state that during the year there has been no cause for any misunderstanding between the Superintendent of Police and Magistrate.

REPORT

OF THE

DISTRICT MAGISTRATE OF TAVOY.

For 1868.

From Lt. Col. G. Faithfull, Deputy Commissioner, Tavoy, to Lieutenant Col. E. M. Ryan, Commissioner of Tenassorim Division, British Burma, Maulmain, No. 2 dated Tavoy, the 9th January 1869.

Annual General Statements Nos. 1 to VIII.
G.—Abstract Statement of Criminal cases brought to trial and disposed.
H.—Statement showing the duration of Criminal Cases and detention of Witnesses.
Statement of Cases involving constructions of the Code of Criminal Procedure with transcript of decision and orders passed by the presiding Judges.
Statement under Whipping Act VI of 1864, for the year 1868. (Forms A, B. & C.)
Annual Statement under Act VI, of 1864, for the year 1868.
Criminal Returns, forms A, B. & C.

I have the honor to submit the Annual Criminal Statement of this District for the year 1868, in duplicate, together with a report drawn up in accordance with the Circular No. 19 of 11th May 1863.

A copy of Nos. 1 to VIII of the Tabular Statement will also be sent to the Inspector General of Police in accordance with Circular No. 2204 of 10th September 1862.

2. The Office of Magistrate was held by me throughout the year.

3. The Assistant Magistrates were Extra Assistant Commissioner 2nd Class 1st Grade Moung Shwé Kyee, N. East—Extra Assistant Commissioner 5th Class 1st Grade Moung Shwé Go, S. East—Extra Assistant Commissioner 4th Class 1st Grade Moung Shwé Hlan, and West Extra Assistant Commissioner 3rd Class 2nd Grade Moung Shwé Att.

4. There were for trial during the year 264 cases involving 468 persons of whom 288 were convicted, 1 committed, 172 acquitted and 3 cases and 7 persons remained pending. These are cases brought on complaint before the Court of the Extra Assistant Commissioner, 2nd Class, 1st Grade Magistrate, just before the Courts close for the holidays.

5. All the Appeals from the orders of the Assistants subordinate to the Magistrate were disposed of during the year.

6. The diary of attendance of Witnesses in the Magistrate's Court shews that out of 145 Witnesses 127 were discharged on the 1st and 18 on the second day. All the Witnesses in the Court of the Extra Assistant Commissioner, 2nd Class 1st Grade were discharged on the 1st day. Of 337 in the Courts of the Extra Assistant Commissioners 3rd, 4th and 5th Classes and 1st and 2nd Grade, 331 were detained 1 day, 1 two days and 5 three days.

7. The average detention of Witnesses therefore in all the Courts was 1 day.

8. Of Suits under Act IV of 1840 none were instituted.

9. There were no cases under Act III of 1857 instituted during the year of review.

10. Statement No. 1 column 19, shews 3 cases in arrear, and column 11 of Statement No. 6 exhibits all the Appeals which were preferred from the orders of the Assistant Subordinates to the Magistrate to have been disposed of during the year.

	1867	1868
Convicted	301	288
Committed	2	1
Acquitted	110	172
Total	413	461
Summoned by the Magistrate	182	308
Sent in by the Police	235	153
Total	417	461
On default	..	..
Compromised	8	20
Recognizance	..	..
Unconditional	107	152
TOTAL	110	172

11. The convictions, commitments, and acquittals, as exhibited in Statement No. 1 are shewn in the margin, as are also the general analysis of acquittals.

12. The ratio of convicts was equal to 62 per cent in the year under review against 72 per cent in 1867.

13. Proportion of convictions and acquittals in cases sent in by the Police and those summoned by the Magistrates for the last two years is shewn in the margin. The Convictions in cases summoned by the Magistrate was 52 per cent in both years, and of cases sent in by the Police was 83 per cent against 88 per cent in 1867.

	1867			1868		
	Persons	Convicted.	Acquitted	Persons.	Convicted.	Acquitted
Summoned by the Magistrates - -	182	95	68	308	162	146
Sent in by the Police -	235	208	27	153	127	26
Total -	417	303	110	461	289	172

14. The result of Appeals from the orders of the Assistant Subordinates to the Magistrate are shewn in the margin The number of Appeals preferred during the year was 8.

	Rejected.	Confirmed	Reversed	Modified
Extra Assistant Commr 2nd Class, 1st Grade - - -	1	1	1	,
Extra Assistant Commrs 3rd, 4th, 5th Class, and 1st 2nd Grade		1	3	1
Total -	1	2	4	1

15. The result of Appeals and Commitments to the Sessions Court are shewn in the margin.

16. The one case committedto the Sessions was a case of Murder, and the accused was convicted and executed.

	Rejected	Confirmed	Reversed	Modified
Regular Appeals -	,,	1	,,	3
Appeal under Act 4 of 1840	,,	,,	,,	,
Miscellaneous - -	,	,,	,,	,,
Commitments -			Cases	Persons
Convicted		,,	1	1
Referred		,		
Acquitted	,	,	,	

17. The following Statement B. exhibits the operation of Act VI of 1864, or the Whipping Act, in the year under review

B.

Nature of Offence.	Section of Indian Penal Code.	No. of persons flogged.		
		Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
		None.		

18. The amount of Property stolen and recovered was in

	1867.	1868.
Stolen	Rs. 4,280-3-0	Rs. 3,161-14-0.
Recovered	Rs. 800-12-0	Rs. 617-11-0.

or 19 per cent against 18 per cent in 1867.

19. Statement No. VIII shews a general average of a little over 4½ days as the duration of each case in all the Courts taken together which is better than last year which showed 5 days.

20. I examined the Registers and Records of the Subordinate Courts as follows.

N. East Township ...	29th December	1868.
Extra Asstt. Comr. 2nd Class	30th „	„
S. East Township ...	31st „	„
Western do. ...	25th March	„

Moung Shwè Go, N. East Township--Witnesses attendance Register and Criminal deposit book incorrect. Entries in the different Registers and Books not signed so regularly as they should be by the Extra Assistant Commissioner. The Library is complete.

Extra Assistant Commissioner, 2nd Class, 1st Grade, Tavoy, Moung Shwè Kyee—Witness attendance Register and Criminal Deposit book incorrect. Entries in the different

books not regularly signed by the Extra Assistant Commissioner. The records of case are in tolerable order and the Library complete.

South East Township, Moung Hlan—Witness attendance Register most imperfectly kept up, and the same with regard to the Criminal deposit book. The Register of unbailable offences was not carefully kept. Entries in the different books seldom signed by the Extra Assistant Commissioner —Library complete.

Western Township, Moung Shwè Att. The notes made by me at the time of examining the Records of this Court—have been I regret to say mislaid by me, but I am able to say that the books and papers were generally in better order than those of the other two Townships.

Subordinate Officers trust too much to their writers. A Warrant book should be added to the list of Criminal Registers. I am doubtful whether the books are kept up so regularly as they appear to be. I have cautioned them on the subject.

21. I have always received a willing assistance from Mr. Davidson, Superintendent of Police.

22. Mr. Monteiro, Judicial Clerk, has done his duty zealously and satisfactorily.

REPORT.

OF THE

DISTRICT MAGISTRATE OF MERGUI.

For 1868.

—oo—

From T. SHEPHERD, Esqr., Deputy Commissioner, 2nd Class, Mergui, to LIEUT. COLONEL E. M. RYAN, Commissioner, Tenasserim Division, Maulmain, No. 1 dated Mergui the 1st January 1869.

I have the honor to submit the Annual Criminal Statement of this District in duplicate for the year ending 31st December 1868, together with the Report.

2. The Office of the Magistrate of the District was held by me from the 1st January to 31st December 1868.

3. The Subordinate Magistrates were, Moung Shwè Bo, Tseetkay of Mergui, Moung Shwè Go, Myo Oke of Palaw, Moung Htoon Oung, Myo Oke of Tenasserim, Moung Tsain Guyoe, Myo Oke of Lenya, and Tsit Syan, Farmer of Malewoon, from the 1st January up to the end of the year 1868.

4. There were for trial during the year 378 cases, involving 581 persons, of those, one was committed, 439 were convicted, 84 were acquitted, and 57 witdrawn. There were no cases pending at the close of the year. The convictions were 76 per cent, and the acquittals 14 per cent of those brought to trial.

5. All the Appeals from the orders of the Extra Assistants, subordinate to the Magistrate of the District, were disposed of during the year under review.

6. The diary of attendance of witnesses to the Court of the Magistrate of the District shews, that, 149 witnesses were discharged on the same day— I should say it is satisfactory.

7. The maximum detention of witnesses was 4 days before the Magistrates (subordinate) in the Courts of Palaw and Tenasserim.

8. There was no suit or case under Act III of 1857 during the past year.

9. There was no suit instituted in my Court under Chapter XXII of Code of Criminal Procedure, Act XXV of 1861.

	1867	1868
Convicted	40	43
Committed	1	1
Acquitted	2	7
Total	43	51

CRIME OF ALL DESCRIPTIONS, ACQUITTALS

	1867	1868
Summoned by the Magistrate & his subordinates	89	69
Sent in by the Police	16	15

10. The convictions, acquittals, committals in crimes Non-bailable as exhibited in the Statement No. I; are shown in the margin; as are also the general analysis of acquittals.

11. The ratio of convictions was equal to 76 per cent in the year under review, a little less than the preceding year.

	Rejected	Confirmed	Reversed	Modified
Tsootkay	0	10	5	0
Myo Okos	0	0	0	2
Total	0	10	5	2

12. The result of Appeals from the orders of the subordinates to the Magistrate of the District, are shewn in the margin—I should say the result is satisfactory.

13. As ordered in your Office Circular No. 47 dated 12th December 1862, I beg to report on the working of the Police at this station in connection with the detection and suppression of crimes.

14. There were 35 cases involving 51 persons sent up by the Police, as exhibited in class A of the Statement No. I, of those 51 persons, one was committed, 43 convicted and 7 acquitted. The Police of this District are well conducted, and in my opinion have worked well during the past year.

In conclusion I have only to remark that the Subordinate Magistrates have performed their duties to their utmost abilities, and to my entire satisfaction.

I have examined the Records, Registers, and Books kept in their Courts on the Criminal side, and a list is herewith appended.

Register of Bailable Offences.
Register of Unbailable Offences.
Register of fees.
Register of fines imposed.
Register of fines realized.
Attendance of Witnesses.
Order Book.
Counterfold Report Book.
Criminal Deposit Book.
Files of Orders from the Deputy Commissoner.
Miscellaneous Case Book.

APPENDIX.

No. I.

ANNUAL GENERAL STATEMENT of the Commissioner of Arakan for the year 1868.

Class.	Authority.	Description.	Under trial at the close of last year.		Committed to the Sessions during the present year.		Received from other Quarters.		Total number of persons under trial.	Disposed of.						Under trial at the close of present year.			
			Cases.	Persons.	Cases.	Persons.	Cases.	Persons.		Commitment cancelled.	Referred to Sudder Court.	Convicted.	Acquitted.	Died.	Escaped.	Transferred.	Cases.	Persons. In Custody.	Persons. On Bail.	Persons. On Recognizance.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
		I. PUNISHABLE UNDER INDIAN PENAL CODE.																		
A. Not Bailable.		*Offences relating the Human Body*																		
13	302 & 307	Murder	...	...	7	13	...	...	13	...	6	1	6	...	...	...	...	...	...	...
16	304 & 148	Homicide, Culpable &c. ...	...	...	3*	3*	...	...	3	...	...	3	...	...	...	...	...	...	...	...
		Offences against property																		
32	402	Dacoity	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...
35	409 & 467	Criminal breach of trust &c.	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...

B. Bailable.		I. PUNISHABLE UNDER INDIAN PENAL CODE.																		
		Offences against the Public Tranquillity																		
7	147 & 148	Rioting	...	...	...*	9*	...	...	9	...	...	9	...	...	...	...	...	...	...	...
		False evidence and offences against Public Justice																		
26	193	Giving false evidence ..	...	...	1	1	...	...	1	..	...	1	...	...	...	...	...	...	...	...
		II. PUNISHABLE UNDER SPECIAL OR LOCAL LAWS																		
		None																		
		TOTAL.	...	...	13	28	..		28	..	6	16	6	...	...	...	...	...	...	...

* In 2 Cases 11 persons were charged with Culpable Homicide and Rioting of whom 2 persons were convicted of Culpable Homicide and 9 of Rioting only.

J. F. J. STEVENSON,

Commissioner of Arakan.

AKYAB,

The 6th April 1869.

No. II.

ANNUAL STATEMENT of degrees of punishment inflicted by the Commissioner of Arakan Division for the year 1868.

Persons sentenced to																	Total amount of fines					Persons sentenced to imprisonment	Note to Statement No. II.	
Transportation			Imprisonment									Find Security		Fine										
			From 14 to 7 years			From 6 to 3 years			Below 3 years															
For life	For 14 years and above	For 7 years and above	Rigorous	Simple	With fine	Rigorous	Simple	With fine	Rigorous	Simple	With fine	For good behaviour	To keep the peace	Enter into recognizance to keep the peace	From Rupes 5,000 to Rupees 1,000	From Rupees 1,000 to 500	Below Rupees 500 to 200	Below Rupees 200	Imposed	Realized	Applied in compensation under Section 44 Code of Criminal Procedure: Ordered	Applied in compensation under Section 44 Code of Criminal Procedure: Paid		With Stripes and fines	With Stripes
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	1	2	3
...	...	1	2	...	...	3	...	...	10	...	...	...	...	...	...	...	...	...	...	...	...	...	For life	...	...
																							From 14 to 7 years	...	...
																							From 6 to 3 years	...	...
																							Below 3 years	...	...

AKYAB, *The 6th April* 1869.

J. F. J. STEVENSON, *Commissioner of Arakan.*

No. III.

ANNUAL STATEMENT of Appeals preferred to the Commissioner of Arakan Division for the year ending 31st December 1868.

District.	Office.	Name of Officers.	Appeal from convictions on trial and from order under Chapters X and XIX Code of Criminal Procedure.											
			Pending at the close of last year.	Preferred during the year.	TOTAL.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Returned for reinvestigation.	Pending at the close of year.	Longest number of days that any suit has been pending.	Date of oldest case pending.	Explanation of entries in columns 13 and 14.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Akyab District	Depy. Commr.....	Major E. J. Spilsbury..	...	17	17	2	13	...	2	...	...	...	...	...
„ „	Offg. „	Mr. J. Treacy	...	3	3	1	1	1	...	...	...	...	...	...
„ Town	Magistrate	Mr. J. Treacy	...	6	6	3	2	...	1	...	...	...	...	...
„ „	„	Lt. G. A. Strover.....	...	16	16	1	11	2	1	1	...	...	...	...
Ramree District....	Depy. Commr.....	Mr. W. D'C. Ireland...	...	1	1	...	1	...	...	...	...	...	...	...
„ „	„ „	Capt. W. C. Plant.....	...	13	13	...	12	1	...	...	...	...	...	...
Sandoway District.	Depy. Commr.....	„ W. W. Pemberton....	...	12	12	...	9	...	3	...	...	...	...	...
Northern Arakan ..	Supt. of H. Tribes..	Mr. J. C. Davis.....	...	2	2	...	2	...	...	...	...	...	...	...
Akyab.....	Asst. Commr.....	James Hind.....	...	17	17	1	14	2	...	...	...	...	...	...
Poung-daw-byin ...	Hony. Magistrate....	Dr. Mountjoy	...	1	1	1	...	...	...	...	...	...	...	...
		TOTAL.....	...	88	88	9	65	6	7	1	...	...	...	...

AKYAB, *the 6th April* 1869.

J. F. J. STEVENSON. *Commissioner of Arakan.*

No. IV.

ANNUAL STATEMENT of persons punished and acquitted by the Sessions Judge of Arakan Division for the year 1868.

Number of Trial.	Name and Particular of Prisoner.					Offence Charged.		Offence established quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and particular of sentence.	Explanation and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of Commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
1	1	Taw-bway ...	43	Arakanese.	Buddhist.	Sec. 148 304 149 I. P. C.	1st. Rioting. 2nd. Culpable Homicide not amounting to Murder. 26th November 1867. Committed by Major E. J. Spilsbury Deputy Commissioner of Akyab 23rd January 1868.	1st Prisoner guilty of Rioting and Culpable Homicide Sections 148 and 304, and prisoners 2 to 6 Rioting Section 148 of Indian Penal Code.		1st Prisoner Taw-bway to suffer 5 year's rigorous imprisonment and prisoners 2 to 6 one year's rigorous imprisonment each. 5th February 1868.	This case was decided at Akyab with the aid of 3 Assessors. The Prisoners pleaded not guilty. It was a case in which the deceased Proung-baik-kay undoubtedly met his death by a blow from a paddle inflicted by the 1st Prisoner.
	2	Moung-twon ...	22								
	3	Moung-tha-oo, ...	30								
	4	Khyoung-thway,	53								
	5	Moung-pay ...	23								
	6	Adon ...	18								

| | | |

No. IV.—*(Continued.)*

Number of Trial	Name and Particular of Prisoner					Offence charged.		Offence established quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and sentence.	Explanation and Remarks.
	Number of each prisoner in each trial	Name	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of Commitment.				
1	2.	3	4	5	6	7	8	9	10	11	12
2	1	Hmoay Oung.....	26	Arakanese.	Buddhist.	Sec. 302 304 I. P. C	1st Culpable Homicide amounting to Murder. 2nd Culpable Homicide not amounting to Murder, 28th January 1868, committed by Mr J. Treacy Officiating Deputy Commissioner Akyab, 24th February 1868.		Acquitted 9th March 1868		Sentenced them as stated in Column 11. This case was decided at Akyab with the aid of 3 Assessors. This prisoner pleaded not guilty It appears that the deceased was severely beaten in this case which resulted in his death The only eye witness was about

											50 yards distant when he says he saw the Prisoner beating the deceased—other witnesses gave evidence of dubious character, but the evidence to the defence which substantially was an *alibi* was positive and precise. The Court concurring with the Assessors found the Prisoner not guilty and directed his release.
4	1	Nga-Mai	43	Khyoung-tha Buddhist.	Sec. 402 I. P. C.	Belonging to a gang of more than 5 persons assembled for the purpose of committing Dacoity during the dry season of 1867, about the month of February. Committed by Mr. J. C. Davis, Superintendent of	Being one of a gang assembled for the purpose of committing Dacoity Section 402 I. P. C.		Five years rigorous imprisonment, 22nd May 1868		This case was decided at Akyab with the aid of 3 Assessors. The prisoner pleaded not guilty. All the witnesses clearly deposed that the Prisoner and the leader of a Gang of Dacoits, (a Phoongyee) from the

19

No. IV.—*(Continued.)*

Number of Trial.	Name and Particular of Prisoner.					Offence charged.		Offence established quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and sentence	Explanation and Remarks.
	Number of each prisoner in each trial.	Name	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
							Hill Tribes, Northern Arakan, 16th March 1868.				Chittagong Country assembled for the purpose of committing dacoity, indeed they proposed and appeared to have endeavoured to get up a rebellion against the Government. The Prisoner was a principal man among the Gang. The Section under

										which the accused was tried required no overt act, it makes punishable the assembling of 5 or more persons for the purpose of committing dacoity The assembling of more than 5 persons was distinctly deposed to and the avowed object was as positively stated, moreover arms were found The Court concurring with the 1st Assessor but differing from the 2nd and 3rd, found the Prisoner guilty and sentenced him as stated in Column 11
5	1 2	Booken Young Lan	27 20	Myo	Sec 302 I P C	Culpable Homicide amounting to Murder 12th February 1868 · Committed by Mr J C Davis, Superintendent of Hill Tribes,		Acquitted 27th May 1868		This case was decided at Akyab with the aid of 3 Assessors The prisoners pleaded not guilty In this case the Prisoners were in-

No. IV.—*(Continued.)*

Number of Trial.	Name and Particular of Prisoner.					Offence Charged.					Explanation and Remarks.
	Number of each prisoner in each trial.	Name	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration, and name of committing Officer, and date of commitment.	Offence established quoting Section of Code thereto applicable	Acquitted, with date.	Convicted, with date and sentence.	
1	2	3	4	5	6	7	8	9	10	11	12
							Northern Arakan, 13th April 1868.				dicted for the murder of one Ahtean which the witnesses swore that the Prisoners admitted before them. From the circumstances of the case and from the Statements of the witnesses the Court was of opinion that sufficient evidence had not been adduced before it—differing therefore from the assessors

										the Court found that the Prisoners were not guilty of the Charge brought against them and directed their release.
7	1	Sagur Ally	...40	Mahomedan.		Sec. 193 I. P. C.	Giving false evidence—17th May 1868. Charged by the Sessions Court, the Offence having been committed before it.	Giving false evidence Section 193 I. P. C.	Six months rigorous imprisonment. 19th May 1868.	The Prisoner was tried for intentionally giving false evidence before the Sessions Court in Sessions Case No. 6 of 1868, he having pleaded guilty was duly sentenced.
8	1	J E. Oliveiro ...	28	Eurasian. Xtian.		Sec. 409	1st Charge Criminal breach of trust by a Public Servant. 2nd Charge Forgery of document purporting to be valuable Security in 1867/68. Committed by Lieut. G. A Strover, Magistrate of Akyab, 4th June 1868.	1st Criminal Breach of trust by Public Servant. 2nd Forgery Secs. 409 & 467 I. P. C.	1st Charge 7 years rigorous imprisonment, 2nd Charge 7 years rigorous imprisonment 15th June 1868.	This case was decided at Akyab with the aid of 3 Assessors The prisoner was indicted for making away with certain monies received by him as Money Order Agent and forging the name of the Bank Agent to cover his malversations. He pleaded guilty of both the Charges

No. IV.—*(Continued.)*

Number of Trial.	Name and Particular of Prisoner					Offence Charged.		Offence established quoting Section of Code thereto applicable.	Acquitted, with date	Convicted, with date and sentence.	Explanation and Remarks.
	Number of each prisoner in each trial.	Name	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
9	1	Mhwailha Oung	47	Arakanese.	Buddhist.	Sec. 302 I. P C.	Murder 27th April 1868 Committed by James Hind Esq Assistant Commissioner Akyab 16th June 1868.		Acquitted 1st July 1868		and was accordingly convicted and sentenced. This case was decided at Akyab with the aid of 3 Assessors. The Prisoner pleaded not guilty. The deceased was murdered about midnight in a Kyoung where he had put up for the night. The 1st witness stated that he heard the mur-

											dered man's cries. He cried Htee dat (by which name the Prisoner is universally known) has cut me ("or chopped me with a dâh"). Deceased was soon afterwards found quite dead with some wounds on the head and abdomen, there was no light either from the heavens or from lights in the Kyoung—there was no evidence to prove that the prisoner ever had a quarrel with the deceased. The Court concurring with the Assessors found the Prisoner not guilty and directed his release.
10	1	Tsan Twon	...30	Arakanese.	Buddhist.	Secs. 147	1st charge, Prisoners 1 to 5 Rioting. 2nd charge, Pri-	Prisoners 1 to 5 Rioting Section 147, and Prisoner		Prisoner No 1 sentenced to Five years rigorous im-	This case was decided at Akyab
	2	Thajan	...33				soners 1 to 5 Rioting.				
	3	Oung-phaway	33								with the aid of 3

No. IV.—*(Continued.)*

Number of Trial.	Name and Particular of Prisoner.					Offence Charged.		Offence established quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and sentence.	Explanation and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
	4	Tha-twon-oung ..	24	Arakanese.	Buddhist.	148	soners 1 and 2 Rioting with deadly weapons.	No. 1 Culpable Homicide Section 304, I. P. Code.		prisonment and the Prisoners 2 to 5 to suffer six (6) months rigorous imprisonment each, 21st July 1868.	Assessors. The Prisoners pleaded guilty to the 1st charge and not guilty to all the other charges The evidence for the prosecution showed that the Prisoners with little or no provocation commenced an affray with the deceased and four companions and that at
	5	Moung-tha ...	26			302	3rd charge Prisoner No. 1, Murder.				
						304	4th charge Prisoner No. 1, Culpable Homicide.				
						109 / 302	5th charge Prisoner No. 3, abetment of Murder.				
						109 / 304	6th charge Prisoner No. 3, Abet-				

						379	ment of Culpable Homicide 7th Charge Prisoners Nos 2 and 5 Theft, 31st May 1868. Committed by J. Hind, Esq., Asst Commissioner Akyab, 7th July 1868.				the commencement of this affray the 1st Prisoner struck the deceased 3 severe blows with a bamboo. From the evidence before the Court and from the circumstances of the case the Court found the Prisoners (concurring with the Assessors) guilty of the charges as stated in Column 9 and sentenced them accordingly.
11	1	Nga Mhwai Oung	26	Arakanese.	Buddhist	307 I P C	Attempt to murder 15th April 1868. Committed by J. Hind Esq. Assistant Commissioner Akyab 22nd August 1868.	Attempt to commit Murder Section 307 I P Code		Prisoner sentenced to transportation for ten years 26th August 1868	This case was decided at Akyab with the aid of 3 Assessors. The prisoner pleaded not guilty. The Prisoner was accused of 2 dacoities. The Police Head Constable followed him and surrounded the house where the prisoner

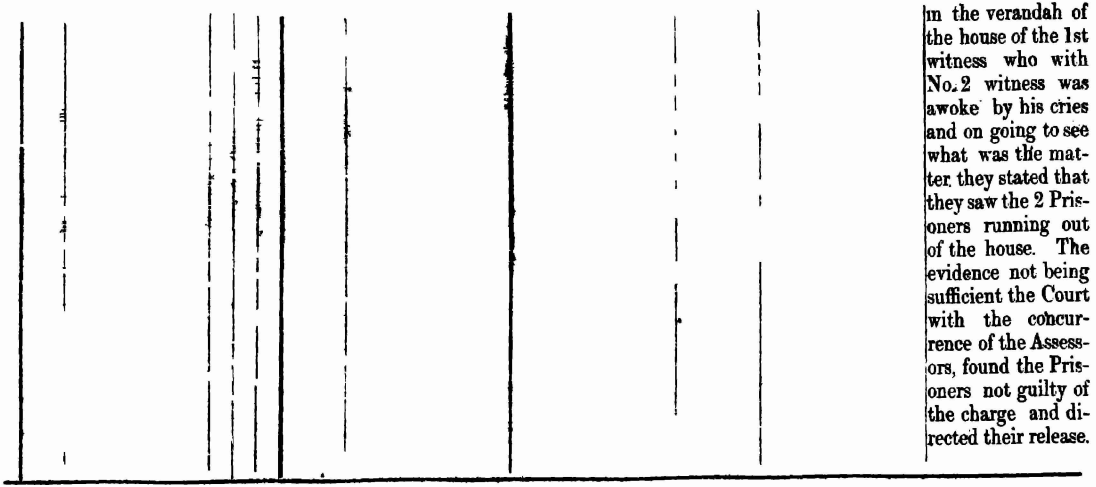
No. IV.—(*Continued*).

Number of Trial.	Name and Particular of Prisoner.					Offence charged.		Offences established quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and sentence.	Explanation and Remarks
	Number of each prisoner in each trial.	Name	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	12	11
											was. The Prisoner then rushed out of the house and as he did so presented a pistol at the Head Constable and pulled the trigger but it missed fire Prisoner then ran towards a Dunnee Plantation into which the Police Head Constable followed him—as he entered it Prisoner

12	1	Nga Tsoung	...	49	Arrakanese. Buddhist.	Sec. 304 I. P. C.	Culpable Homicide 22nd October 1868. Committed by Captain W. C. Plant, Deputy Commissioner--Ramree, 10th Nov. 1868.	Culpable Homicide--under Section 304 I. P. Code.		Seven years rigorous imprisonment 14th Decr. 1868.	turned round and presented the same pistol and fired it at the Head Constable but did not wound him. The Court concurring with the Assessors found the Prisoner guilty of the charge and sentenced him to 10 years transportation. This case was decided at Kyouk-Phyoo with the aid of 3 Assessors. The Prisoner pleaded not guilty. The particulars of the case are that the accused with two others beat the deceased with 2 bamboos and a stick and that one blow given fractured the skull of deceased and he died therefrom. From the evidence adduced and from the circumstances

No. IV.—*(Continued).*

Number of Trial.	Name and Particulars of Prisoner.					Offence charged.		Offence established quoting Section of Code thereto applicable	Acquitted, with date.	Convicted, with date and sentence.	Explanation and Remarks.
	Number of each prisoner in each trial.	Name	Age.	Caste.	Religion	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
											of the case the Court with the concurrence of the Assessors, found the Prisoner guilty of the charge and sentenced him to 7 years rigorous imprisonment.
13	1	Tso noung	...30	Arakanese.	Buddhist.	Sec 302 I. P. C.	Murder 30th September 1868 Committed by J. Hind Esq Assistant Commissioner of Akyab 26th Novr 1868		Acquitted 23rd Decr 1868.		This case was decided at Akyab with the aid of 3 Assessors. The Prisoners pleaded not guilty. In this case the deceased was sleeping
	2	Nao roung	...38								



m the verandah of the house of the 1st witness who with No. 2 witness was awoke by his cries and on going to see what was the matter they stated that they saw the 2 Prisoners running out of the house. The evidence not being sufficient the Court with the concurrence of the Assessors, found the Prisoners not guilty of the charge and directed their release.

J F J STEVENSON,
Commissioner of Arakan.

AKYAB,
The 6th April 1869.

No. V.

ANNUAL STATEMENT of Sentences of death referred for the confirmation of the Sudder Court by the Commissioner of Arakan Division for the year ending 31st December 1868.

Number of referred sentence.	Prisoners			Offence of which Prisoner is convicted by Sessions Court with Section of Code thereto applicable.	Date of			Date of the Sudder Court.		Remarks
	Number	Name	Caste		Commitment	Conclusion of trial	Reference to the Sudder Court	Receipt of the record	Final Order	
3	1	Tsan gyaw-oo	Arakanese	Murder, Section 302 of Indian Penal Code	24th April 1868	24th April 1868	24th April 1868		5th May 1868	Prisoner was executed on the 19th May 1868.
6	1	Jofar Ally	Mahomedan	Murder, under Section 302 of Indian Penal Code	15th May 1868	18th May 1868	18th May 1868		2nd June 1868	The Prisoners were executed on the 17th June 1868.
	2	Koor ban Ally	Ditto							
	3	2nd Koor ban Ally	Ditto							
	4	Chulla	Raj Bunshe							
	5	Mahabut Ally	Mahomedan							

J. F. J. STEVENSON,
Commissioner of Arakan.

AKYAB,
The 6th April 1869.

No. VI.

ANNUAL STATEMENT of Criminal Trials and Judicial Proceedings called for by the Sudder Court for the revision under Chapter XXIX of the Code of Criminal Procedure and on Appeal under Chapter XXX of the same Code for the year 1868.

Number of Case called for	Prisoners			Offence of which Prisoner has been convicted by the Sessions Court with Section of Code thereto applicable	For revision under Chapter XXIX Code of Criminal Procedure	On appeal under Chapter XXX Code of Criminal Procedure	Date of despatch of the case to the Sudder Court	Date of Sudder Court		REMARKS
	Number	Name	Caste					Receipt of the record	Final order	
	None									

J. F. J. STEVENSON,

Commissioner of Arakan.

AKYAB,

The 6th April 1869.

Form A.

STATEMENT showing the Criminal Cases, Sessions and Appeals, brought to trial and disposed of by the Commissioner of Arakan Division during the year 1868.

	Sessions Cases									Appeal Cases								
	Pending at the close of 1867	Committed during 1868	Total Persons	Disposed of on trial: Convicted	Disposed of on trial: Acquitted	Transferred or otherwise disposed of	Pending at the close of 1868			Pending at the close of 1867	Preferred during 1868	Total Cases	Rejected	Disposed of on trial sentence of Lower Court: Confirmed	Disposed of on trial sentence of Lower Court: Modified	Disposed of on trial sentence of Lower Court: Reversed	Transferred or otherwise disposed of	Pending at the close of 1868.
Akyab District									*Akyab District*									
Major E. J. Spilsbury Deputy Commissioner	..	1	6	6	6	...	..	..	Major E. J. Spilsbury Deputy Commissioner	..	17	17	2	13	...	2	...	...
Mr. J. Treacy Offg. Ditto	...	2	2	2	1	1	...	...	Mr. J. Treacy Offg. Ditto	...	3	3	1	1	1	...	...	...
Akyab Town									*Akyab Town*									
Lieut. G. A. Strover Magistrate	...	1	1	1	1	...	...	...	Mr. J. Treacy Magistrate	...	6	6	3	2	...	1	...	...
									Lieut. G. A. Strover Magistrate	...	16	16	1	11	2	1	1	...

Ramree											*Ramree District*										
Captain W. C. Plant Deputy Commissioner	...	...	1	1	1	1	...	...	...	...	Mr. W. DeCourcy Ireland, Deputy Commissioner	...	1	1	...	1	...	...	...	...	
Sandoway											Captain W. C. Plant Deputy Commissioner	...	13	13	...	12	1	...	...	...	
Captain W. W. Pemberton Deputy Commissioner	...	...	...	...	...	...	...	...	...	...	*Sandoway District*										
Mr. James Hind, Assistant Commissioner, Akyab	...	...	5	14	14	11	3	.	...	...	Capt. W. W. Pemberton Deputy Commissioner	...	12	12	..	9	...	3	.	...	
Northern Arakan											Mr. J. Hind, Assistant Commissioner	...	17	17	1	14	2	...	...	...	
Mr. J. C. Davis Supdt. of Hill Tribes	...	...	2	3	3	1	2	..	...	...	*Poungdawbyin*										
Charged by the Sessions Court	...	...	1	1	1	1	..	...	...	...	Dr. Mountjoy Honorary Magistrate	...	1	1	1	...	...	...	..	...	
											Northern Arakan										
											Mr. J. C. Davis Supdt. of Hill Tribes	...	2	2	..	2	...	...	...	...	
TOTAL.....	...	...	13	28	28	22	6	..	..	..	TOTAL.....	..	88	88	9	65	6	7	1	.	

J. F. J. STEVENSON,

Commissioner of Arakan.

AKYAB,

The 6th April 1869.

B.

STATISTICS OF CRIMINAL JUSTICE in the General of British Burma

1	2	3		4		5		6		7		8		9	
Districts	Years	No. of persons whose cases were pending at the end of the previous year		No. of persons brought to trial during the year		Number of persons convicted		No. of persons committed		No. of persons acquitted		No. of persons who died, escaped, were transferred or otherwise dealt with		No. under trial at the close of the year	
		In Bailable Offences	In Non-Bailable	In Bailable Offences	In Non-Bailable	In Bailable Offences	In Non-Bailable	In Bailable Offences	In Non-Bailable	In Bailable Offences	In Non-Bailable	In Bailable Offences	In Non-Bailable	In Bailable Offences	In Non-Bailable
Akyab ...	1867	12	4	2283	284	1496	140	...	9	772	125	1	...	26	14
	1868	26	14	1632	397	1019	201	...	22	622	168	...	2	17	18
Akyab Town	1867	1	...	633	117	441	72	...	1	193	42	...	...	...	2
	1868	...	2	685	155	442	87	...	1	243	69	...	...	...	...
Ramree ...	1867	...	...	693	179	533	148	...	3	159	28	...	...	1	...
	1868	1	...	622	244	464	176	...	1	159	67	...	...	...	...
Sandoway...	1867	...	...	436	82	309	52	...	1	127	29	...	...	...	...
	1868	...	...	422	81	291	55	...	...	131	26	...	...	...	...
Northern Arakan	1867	...	...	11	7	7	...	1	...	3	7	...	...	...	...
	1868	...	...	16	11	13	6	...	3	3	2	...	...	...	...
TOTAL	1867	13	4	4056	669	2786	412	1	14	1254	231	1	...	27	16
	1868	27	16	3377	888	2229	525	...	27	1158	332	...	2	17	18

AKYAB,
The 6th April 1869

Magistrates' Courts of the Arakan Division for the year 1868.

10																		11	12	13	14
Total Amount of fines																		Proportion of persons brought to trial for Bailable Offences to Population	Proportion of persons brought to trial for Non-Bailable Offences to Population	Proportion of convictions and commitments to number of persons brought to trial on Bailable Offences	Proportion of convictions and commitments to number of persons brought to trial on Non-Bailable Offences
Imposed			Realized			Compensation under Section 44 of the Code of Criminal Procedure															
						Ordered						Paid									
19,877	15	..	16,943	15	..	1,247	4	...				348	8	...				.90	.11	65.52	52.46
12,725	11	...	11,523	9	...	635	12	...				342	8	...				.63	.15	62.43	56.17
6,589	9	...	4,846	9	...	79	8	...				79	8	...				4.07	.75	69.66	62.39
5,479	10	6	3,987	9	2	46	...	...				46	...	...				4.35	.98	64.52	56.77
6,840	13	...	5,009	13	...	220	8	...				220	8	...				.55	.13	76.91	84.35
6,479	4	...	4,720	1	...	164	8	...				129	8	...				.48	.19	74.59	72.54
2,489	12	...	2,284	12	...	162	...	...				63	2	...				.96	.18	70.87	64.63
1,855	8	...	1,755	8	...	46	8	...				46	8	...				.91	.17	68.95	67.90
170	...	...	42	...	...	...	...	...				...	...	...				.13	.08	72.72	0.0
217	...	..	175	5	4	14	2	8				14	2	8				.20	.13	81.25	81.81
35,968	1	...	29,127	1	...	1,709	4	...				711	10	...				.91	.15	68.71	63.67
26,757	1	6	22,162	...	6	906	14	8				578	10	8				.74	.19	66.00	62.16

J. F. J. STEVENSON,
Commissioner of Arakan.

C.

STATEMENT showing the duration of Criminal Cases and detention of Witnesses in the several Dist of the Division of Arakan, during the year 1868.

	No. of cases decided within days and under.																		No. of witnesses discharged after.										
	1 Day.	2 Days.	3 „	4 „	5 „	6 „	7 „	8 „	9 to 15 days	16 to 24 „	25 to 30 „	30 to 45 „	46 to 60 „	61 to 90 „	91 to 120 „	Total No. of cases.	Total No. of days.	Average duration of cases.	Date of oldest case pending.	1 Day.	2 days.	3 „	4 „	5 „	6 „	7 „	8 „	9 to 15 days.	16 to 23 „	24 to 30	More than 30 days.	Total.
Akyab District ...	519	112	93	43	33	31	26	10	62	49	41	24	7	8	6	1037	6061	5.84	29-10-68	2676	225	39	27	17	4	9	...	18	3	...	...	3018
Akyab Town ...	364	64	30	18	9	6	...	3	7	8	1	5	...	...	...	515	1170	2.27	...	1599	24	...	...	...	...	...	...	...	...	...	...	1623
Ramree ...	387	69	40	25	11	3	2	3	12	3	...	...	...	...	...	555	1052	1.89	...	2058	22	...	...	...	...	...	...	...	...	...	...	2080
Sandoway ...	176	29	17	10	4	7	5	3	8	2	...	1	1	...	...	263	666	2.53	...	901	10	3	...	...	...	...	...	...	...	...	...	914
Northern Arakan...	20	„	„	„	...	...	...	...	...	...	...	...	...	...	...	20	20	1.	...	37	...	...	...	...	...	...	...	...	...	...	...	37
Total ...	1466	274	180	96	57	47	33	19	89	62	15	30	8	8	6	2390	8969	3.75	...	7271	281	42	27	17	4	9	...	18	3	...	...	7672

AKYAB,
The 6th April
1869.

J. F. J. STEVENSON,
Commissioner of Arakan.

A.

Annual Statement showing the number of cases in which the punishment of whipping has been inflicted in the Division of Arakan during the year 1868 *under Act VI. of* 1868, *as required by Chief Court's letter* 01490 *dated* 18*th May* 1864.

Offence for which whipping was awarded.	By What Court.	No of cases in which not more than ten stripes of a Rattan were inflicted			No. of cases in which more than ten and not more twenty stripes of a Rattan were inflicted.			No of cases in which more than twenty stripes of a Rattan were inflicted.			Cases in which other punishment was awarded in addition to whipping.	
		First Offence.	Second Offence.	Third Offence.	First Offence.	Second Offence.	Third Offence.	First Offence.	Second Offence.	Third Offence.	No. of stripes awarded.	Nature of additional punishment awarded.
	Akyab District. *Akyab Town.*	None.										
Causing hurt by dangerous weapon.. ...	Magistrate.	0	0	0	1	0	0	0	0	0		
Theft	Do.	1	0	0	3	0	0	1	0	0		
Ditto in a house	Do.	1	0	0	3	2	0	1	1	0	1 case 1 person 15 stripes	3 months imprisonment
											1 Do 1 Do 20 Do.	4 Do Do.
											1 Do 1 Do 25 Do	6 Do Do
Receiving stolen property dishonestly..	Do.	0	0	0	1	1	0	0	0	0	1 Do 1 Do 20 Do	18 Do. Do
Mischief	Do.	1	0	0	0	0	0	0	0	0	... ...	... ...

Lurking house trespass or house breaking &c., by night...	Do.	0	0	0	1	0	0	0	0	0	...	...	... ...
Insult	Do.	1	0	0	0	0	0	0	0	0	...	...	... ..
	Total.....	4	0	0	9	3	0	2	1	0	...	...	... ...
	Ramree District.												
Theft	Dy. Commr...	0	0	0	1	1	0	0	6	0	24		Rigorous imprisonment.
	Total.....	0	0	0	1	1	0	0	6	0	...	...	... ...
	Sandoway District.												
Theft	Dy. Commr...	0	0	0	1	0	0	0	0	0	..	...	... ...
	Total.....	0	0	0	1	0	0	0	0	0	...	...	.. ..
	Northern Arakan.	None.											
	Grand Total...	4	0	0	11	4	0	2	7	0	...	...	... ...

AKYAB,
The 6th April 1869.

J. F. J. STEVENSON.
Commissioner of Arakan.

C.

APPEALS from the Whipping Act.

1	2	3	4	5	6	7	8	9
	APPEALS FROM ORDERS PASSED UNDER ACT VI OF 1864							
From the orders of the	Pending on the 1st January 1868	Preferred during the year	Total	Appeals rejected	Orders confirmed	Order modified or reversed	Pending at the close of 1868	Longest period in days during which any undecided case has been pending
Deputy Commissioner Akyab	...	...	...	...	...	...	...	...
Magistrate Akyab-Town	...	...	...	...	...	...	...	...
Deputy Commissioner Ramree	...	1	1	...	1	...	...	...
Ditto Sandoway	...	...	...	...	...	...	...	...
Superintendent Northern Arakan	...	...	...	...	...	...	...	...
TOTAL.....	...	1	1	...	1	...	...	...

AKYAB,
The 6th April 1869.

J. F. J. STEVENSON,
Commissioner of Arakan.

No.

ANNUAL GENERAL STATEMENT of the Sessions Judge of Pegu

Class.	Authority.	DESCRIPTION.	Under trial at the close of the year 1867.		Committed to the Sessions during the year 1868.		Received from other Quarter.		Total number of persons under trial.
			Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	
	1	2	3	4	5	6	7	8	9
A Not Bailable.	194	Giving false evidence ...	0	0	1	1	0	0	1
	201	Causing the disappearance of evidence in a case of Murder	0	0	0	1	0	0	1
	302	Murder	2	2	17	19	0	0	21*
	304	Culpable Homicide ...	0	0	2	2	0	0	2†
	307	Attempt to Murder ...	0	0	1	1	0	0	1
	395	Dacoity	1	4	6	29	0	0	33‡
	396	Dacoity with Murder ...	1	4	4	12	0	0	16
	397	Dacoity or Robbery ...	1	9	4	7	0	0	16
	411	Dishonestly receiving stolen property	0	0	0	0	0	0	0
	457	Lurking House Trespass...	0	0	0	0	0	0	0
	102 & 302 114	Abetment of Murder ...	0	0	2	10	0	0	10
	143	Being members of an unlawful assembly for the purpose of committing Dacoity	0	0	0	0	0	0	0
		Total ..	5	19	37	82	0	0	101

* This is 1 person noted in the Report, as Commitment cancelled.

Rangoon,
The 9th April, 1869.

1.

Division for the year ending 31st December 1868.

Disposed of							Under trial at close of the year 1868.				
							Persons.				
Commitment cancelled.	Referred to Sudder Court.	Convicted.	Acquitted.	Died.	Escaped.	Transferred.	Cases.	In custody.	On bail.	On re-cognizance.	
10	11	12	13	14	15	16	17	18	19	20	
0	0	1	0	0	0	0	0	0	0	0	
0	0	1	0	0	0	0	0	0	0	0	
0	0	10	4	0	0	0	4	5	0	0	* 2. Convicted of Culpable Homicide.
0	0	4	0	0	0	0	0	0	0	0	† 2. Originally charged with Murder,
0	0	1	0	0	0	0	0	0	0	0	but found guilty of this offence.
0	0	10	4	1	0	0	2	8	0	0	‡ 4. Convicted of Lurking House Trespass.
											12. Do. of being members of an unlawful assembly for the purpose of committing Dacoity.
											§ 6. Originally charged with Dacoity with use of deadly weapons but found guilty of this offence.
											‖ 6. Convicted of Dacoity.
0	0	11	2	0	0	0	1	3	0	0	1. Do. Dishonestly receiving stolen
*1	0	3	5	0	0	0	0	0	0	0	property.
0	0	1	0	0	0	0	0	0	0	0	
0	0	4	0	0	0	0	0	0	0	0	
0	0	2	1	0	0	0	0	7	0	0	
0	0	12	0	0	0	0	0	0	0	0	
1	0	60	16	1	0	0	7	23	0	0	

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. II.

ANNUAL STATEMENT of degrees of punishment by the Sessions Judge of Pegu Division for the year ending 31st December 1868.

PERSONS SENTENCED TO.														TOTAL AMOUNT OF FINES.										NOTE TO STATEMENT No. 2.		
Transportation.			Imprisonment.										Find Security.													
				From 14 to 7 years.			From 6 to 3 years.			Below 3 years.								Fines.									
For Life	From 14 years and above.	From 7 years and above.	From 3 years and above.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	Rigorous.	Simple.	With Fine.	For good behaviour.	To keep the peace.	Entered into recognizance to keep the peace	From Rs. 5,000 to Rs. 1,000	Below Rs. 1,000 to Rs. 500	Below Rs. 500 to Rs. 200.	Below Rs. 200.	Imposed.	Realized.	Ordered.	Paid.	Persons sentenced to Imprisonment.	With stripes	With Fine and stripes.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	1	2	3
11	..	22	..	4	..	..	11	..	..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	From 14 to 7 years. From 6 to 3 years.. Below 3 years.....	None... ...	

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. III.

ANNUAL STATEMENT of Appeals preferred to the Sessions Judge of Pegu Division during the year ending 31st December 1869.

DISTRICT	Office	Names of Officers	Pending at the close of the year ending 31st Dec. 1867.	Preferred during the year 1868.	Total.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Returned for reinvestigation.	Pending at the close of the year 1868.	Longest No. of days that any suit has been pending.	Date of oldest case pending.	Explanation of entries in columns 13 and 14
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Rangoon ...	Dy. Commissioner	Captain M Lloyd	...	20	20	5	6	3	6	...				
	Asst. Commissioner ...	Mr. D. F. Lonsdale ...	...	1	1	...	...	...	1	...				
	Do.	Lieut Prendergast	...	3	3	...	2	...	1	...				
Bassein ...	Dy. Commissioner	H. W. Beddy, Esquire ...	1	7	8	2	3	2	...	1				
	Asst. Commissioner ...	Mr. C. Phillips	...	1	1	1	...	...	...	...				
Myanoung ...	Dy. Commissioner	Major C. P. Hildebrand ...	2	15	17	5	6	2	4	...				

Prome... ...	Dy. Commissioner	Captain C. W. Street	1	22	23	3	18	2	...	...			
	Asst. Commissioner ...	Mr. C. Phillips	.....	24	24	2	13	1	8	...			
	Asst. do ...	Major Munro	.....	6	6	2	3	1	...	...			
Toungoo	Dy. Commissioner	Major McMahon	.....	2	2	..	2	...	...	...			
		TOTAL.....	4	101	105	20	53	11	20	1	.....	.....	...

R D. ARDAGH,
Commissioner of Pegu
and Sessions Judge

No. IV.

STATEMENT of Prisoners punished and acquitted by the Sessions Judge of Pegu Division during the year ending 31st December 1868.

No. of Trial.	No. of each prisoner in each Trial.	NAMES AND PARTICULARS OF PRISONERS. Name.	Age.	Caste.	Religion.	OFFENCE CHARGED. Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanation and Remarks. (N.B.) The places and No. of Assessors should be noted.
1	2	3	4	5	6	7	8	9	10	11	12
35 of 1867.	1	Nga Shwè Moung	27	Burmese.	Boodhist.	395	Dacoity 8th July 1865. Capt. Watson Deputy Commissioner Prome. 14th November 1867.	Lurking House Trespass Section 457.		1st February 1868. Three years rigorous imprisonment.	Prome 3 Assessors.
	2	do. Tsanbah	25								
	3	do. Yah	30								
	4	do. Kyoo	30								

36 of 1867	1	Nga Hman	32	Burmese.	Boodhist.	397	Nos. 1 to 8 Dacoity with use of deadly weapons. 2nd November 1867. No. 9 Receiving stolen property in the commission of dacoity. Section 411 3rd November 1867. Capt. Watson Deputy Commissioner Prome. 12th November 1867.	No. 7 Dacoity with use of deadly weapons Sec. 397 Nos. 1-2-3-4-6 & 8. Dacoity 395. No. 9 receiving stolen property in the Commission of Dacoity Sect. 411	No. 5. 29th January 1867.	Prisoners Nos. 1-2-3-4-6 & 8, 5 years rigorous imprisonment. Prisoners Nos. 7 & 9 seven years rigorous imprisonment. 29th January 1868.	Prome 3 Assessors.
	2	do. Shway Kan	27								
	3	do. Shway Moung	27								
	4	do. Tsan Wah	25								
	5	do. Shway Yin	24								
	6	do. Kyaw Wah	50								
	7	de. Thok	34								
	8	do. Lin Pyoo	29								
	9	do. Shway Tsa	40								
37 of 1867.	1	Mee Tshin	32	Burmese.	Boodhist.	302	Murder 13th October 1867. Major Hildebrand Deputy Commissioner Myanoung. 12th Nov. 1867.		14th Feb. 1868.		Myanoung 3 Assessors.
38 of 1867.	1	Nga Shway Thoke	34	Burmese.	Boodhist.	396 397	1st Dacoity with Murder .2nd Dacoity with use of deadly weapons. 13th September 1867 Capt Watson Deputy Commissioner Prome. 16th Nov. 1860.	1st Dacoity with Murder Section 394. 2nd Dacoity with use of deadly weapons. Section 397.		No. 1 Transportation for life. Nos. 2-3 & 4 each ten years transportation. 31st Jany. 1868.	Prome 3 Assessors.
	2	do. Shway Too	26								
	3	do. Tha Oo	29								
	4	do. Youk	18								

No. IV. (*Continued.*)

No. of Trial.	No. of each Prisoner in each Trial.	Names and Particulars of Prisoners: Name.	Age.	Caste.	Religion.	Offence charged: Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanation and Remarks. (N.B.) The places and No. of Assessors should be noted.
1	2	3	4	5	6	7	8	9	10	11	12
39 of 1867.	1	Nga Shwe Thai	20	Burmese.	Boodhist.	302	Murder 16th November 1867 H. W. Beddy Esqr. Deputy Commissioner Bassein, 30th November 1867.	Culpable Homicide Section 304.		Two years rigorous imprisonment 5th May 1868.	Bassein 3 Assessors.
1 of 1868	1	Nga Shway Koo	38	Burmese.	Boodhist.	395	Dacoity whilst armed with deadly weapons. 19th Octr. 1867, Capt. Watson Deputy Commissioner Prome. 19th December 1867.		31st Jany. 1868.		Prome 3 Assessors.
	2	do. Loo Kone	27								
	3	do. Loo Pyay	49								

2 of 1868.	1	Nga Pan	45	Burmese.	Boodhist.		1st Murder. 2nd Culpable Homicide 20th November 1867, Captain Watson Deputy Commissioner Prome 21st December 1867.	Murder 302 Culpable Homicide Section 304.		28th January 1868 Death	Prome 3 Assessors. Sentence confirmed 4th Feby 1868.
3	1	Nga Shwè Tseing	23	Burmese.	Boodhist.	109 302 115 302 400	1st Abetment of Murder 8th May 1867 Engaging in a conspiracy to commit Murder March 1867. 3rd belonging to a Gang of Dacoits years 1866-67. Capt. Watson Deputy Commissioner Prome. 21st December 1867.	Abetment of Murder. 109-302. Belonging to a Gang of Dacoits Section 400.		4th February 1868. Transportation for life.	Prome 2 Assessors.
4	1	Nga Shwè Hmyin	20	Burmese.	Boodhist.	395 396 400	Dacoity. Rape. 4th May 1867. Belonging to a Gang of Dacoits 1866-67. Captain Watson Deputy Commissioner Prome.	1st Dacoity Section 395. 2nd Rape Section 396. 3rd Belonging to a Gang of Dacoits. Section 400.		3rd February 1868. Transportation for life.	Prome 2 Assessors.

No, IV, (*Continued.*)

No. of Trial.	Names and Particulars of Prisoners.					Offence charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanation and Remarks. (N. B.) The place and No. of Assessors should be noted.
	No. of each Prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
5 of 1868.	1	Nga Nyoh	40	Burmese.	Boodhist.	396	Dacoity with Murder 25th December 1867. Mr. C. Phillips Assistant Commissioner Prome 29th January 1868.	No. 2 Dacoity with Murder Section 396.	No. 1 6th February 1868 He having been admitted as an approver	No. 2 Death 5th February 1868.	Prome 2 Assessors.
	2	Nga Nee	27								

6 of 1868.	1	Nga Shwè Hlaine	25	Burmese.	Boodhist.	297	Dacoity with grievous hurt 397. Dacoity armed with deadly weapons. 395. Mr. C. Phillips Assistant Commissioner Prome. 1st February 1868.	Dacoity with grievous hurt. Section 397. Dacoity armed with deadly weapons 395.	4th February 1868. Transportation for life.	Prome 3 Assessors.
7 of 1868.	1	Nga Shwè Hline	25	Burmese.	Boodhist.	115 302 109 302 400	1st Abetment of attempt to Murder. 27th March 1867. 2nd Abetment of Murder 8th November 1867. Belonging to a Gang of Dacoits. 1866-67. Mr. C. Phillips Asst Commr. Prome. 3rd February 1868.	Abetment of Murder 109-302. Belonging to a Gang of Dacoits 400.	4th February 1868. Transportation for life.	Prome 2 Assessors.
8 of 1868.	1	Nga Hline	30	Burmese.	Boodhist.	396	Dacoity with Murder 13th July 1867. Major Munro Asst. Commissioner Thayet Myo, 31st Jany. 1868.	Dacoity with Murder Section 396.	29th May 1868 Transportation for life.	Thayetmyo 5 Assessors.

No. IV. *(Continued.)*

No. of Trial.	Names and Particulars of Prisoners.					Offence Charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanation and Remarks. (N. B.) The place and No. of Assessors should be noted
	No. of each Prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
9 of 1868.	1 Nga Shwè Tsoh 2 Nga Shwè Zan		25 17	Burmese.	Boodhist.	302 114 302	No. 1 Prisoner Murder. No. 2 Prisoner being present when Murder was committed 29th August 1867. Mr. C. Phillips Asst. Commr. Prome.		1st June 1868.		Thayetmyo 2 Assessors.
10 of 1868.	1 Nga Pan		20	Burmese.	Boodhist.	302	Murder 29th Feby. 1868. Major Hildebrand Deputy Commissioner Myanoung. 30th March 1868.	Murder Sect. 302.		4th June 1868. Transportation for life.	Henzadah 3 Assessors.

11 of 1868.	1 2 3 4	Nga Tsan Youn Nga Myat Nga Hpo Nga Pho	37 20 10 18	Burmese.	Boodhist.	395	Dacoity 10th Feby. 1868. Major Hildebrand Deputy Commissioner Myanoung. 6th April 1868.	Dacoity 395.	No. 2 to 4 4th Jany 1868	No. 1 five years rigorous imprisonment 4th June 1868.	Henzadah 3 Assessors
12 of 1868.	1	Nga Lan	48	Burmese.	Boodhist.	397	Dacoity with use of deadly weapons. 9th April 1867 Major Hildebrand Deputy Commissioner Myanoung 6th April 1868.		5th June 1868.		Henzadah 3 Assessors
13 of 1869.	1 2 3	Nga Oung Mya Nga Oung Tha Nga Woik	27	Burmese.	Boodhist.	302	Nos. 1 & 2 Murder No. 3 causing the disappearance of evidence Section 201 19th February 1867 Major Hildebrand Deputy Commissioner Myanoung 31st March 1868.	Nos. 1 & 2 Murder Section 302. No. 3 Causing the disappearance of evidence Section 201.		3rd June 1868 Nos. 1 & 2 Seven years rigorous imprisonment.	Henzadah 3 Assessors
14 of 1868.	1	Nga Tsan Hla	28	Burmese.	Boodhist.	395	Dacoity 7th May 1866, 26th Dec. 1866, 12th Nov. 1866 Mr. C. Phillips Asst. Commissioner Prome 8th May 1868.	Dacoity 395.		29th May 1868. Transportation for life.	Thayetmyo 2 Assessors

No IV. *(Continued.)*

No. of Trial.	No. of each Prisoner in each Trial.	Names and Particulars of Prisoners: Name	Age.	Caste.	Religion	Offence charged: Section of Code applicable.	Offence charged: Offence and date of perpetration and name of committing Officer and date of commitment	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanation and Remarks. (N. B.) The places and No. of Assessors should be noted.
1	2	3	4	5	6	7	8	9	10	11	12
15 of 1868	1	Nga Toon Bo	30	Burmese.	Boodhist.	396	Dacoity with Murder Major Munro Assistant Commissioner Thayetmyo 15th April 1868.	Dacoity with Murder 396		28th May 1868. Nos 1 & 2 Eight years transportation Nos. 3, 4 & 5 Seven years transportation.	Thayetmyo 2 Assessors.
	2	Nga Toon	35								
	3	Nga Ngai	45								
	4	Nga Wai	30								
	5	Nga tha doon	25								

| | | |

No. IV. *(Continued.)*

No. of Trial.	No. of each Prisoner in each Trial.	Names and Particulars of Prisoners — Name.	Age.	Caste.	Religion.	Offence charged — Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanation and Remarks. (N. B.) The places and No. of Assessors should be noted.
1	2	3	4	5	6	7	8	9	10	11	12
19 of 1868.	1	Nga Wete Shoke	16	Burmese.	Boodhist.	302	Murder 9th April 1868. H. W. Beddy Esq. Deputy Commissioner Bassein.		26th Dec. 1868.		Rangoon 3 Assessors.
20 of 1868.	1	Nga Toh		Burmese.	Boodhist.	302	Murder—H. W. Beddy Esq. Dy. Commissioner Bassein 2nd July 1868.	Murder 302.		29th Dec. 1868 Death.	Rangoon 3 Assessors

22 of 1868.	1	Nga Yah	26	Burmese.				Rangoon 3 Assessors.
				Boodhist.	202	Murder 30th June 1868. Major Hildebrand Dy. Commissioner Myanoung 14th July 1868.	Murder 302.	16th Dec. 1868 Death.
23 of 1868.	1	Nga Loo Galay	26	Burmese.				Rangoon 3 Assessors.
				Boodhist.	302	Murder 31st July 1868. Capt. M. Lloyd Deputy Commissioner Rangoon 10th August 1868.	Murder 302.	14th Aug. 1868 Death
25 of 1868.	1	Mge Cho	31	Burmese.				Rangoon 3 Assessors.
				Boodhist.	302	Murder 22nd Aug. 1868. Capt. Lloyd Dy. Commissioner Rangoon 25th Sept. 1868.	Murder Sect. 302.	1st September 1868 Death.
26 of 1868.	1	Nga Kyai	34	Burmese.				Rangoon 3 Assessors.
				Boodhist.	302	Murder 13th Sept. 1868 Capt. Lloyd Dy. Commissioner Rangoon 18th Sept. 1868.	Murder Sect, 302.	28th September 1868 Death.

No, IV, (*Continued.*)

No. of Trial.	Names and Particulars of Prisoners.					Offence charged.					Explanation and Remarks. (N.B.) The places and No. of Assessors should be noted.
	No. of each Prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence	
1	2	3	4	5.	6	7	8	9	10	11	12
27 of 1868.*	1	Nga Hmway	35	Burmese.	Boodhist.	302	Murder 16th Aug. 1868. Major Hildebrand Deputy Commissioner Myanoung 22nd Sept. 1868.	Murder Sect. 302	18th Dec. 1868.		Rangoon 3 Assessors.
30 of 1868.	1	Nga Tsan Shong	37	Burmese.	Boodhist.	307	Attempt at Murder May 1868. Capt. M. Lloyd Deputy Commissioner Rangoon 6th May 1868.	Attempt at Murder Section 307.		7th November 1868. Transportation for life.	Rangoon 3 Assessors.

25 of 1868.	1	Oung Men	28	Burmese. Boodhist.	118	No. 1 Concealing a design to commit an offence punishable with death Section 118 Indian Penal Code	29th Decr 1868 No. 2 being a Member of an unlawful assembly for the purpose of committing Dacoity. Section 143. Dacoity Sect 395. Abetting Dacoity Section $\frac{395}{109}$ Nos 3 & 4 being a member of an unlawful assembly for the purpose of committing Dacoity. Section 143. Abetting Dacoity Section $\frac{395}{109}$ Nos. 5, 6, 7, 8, 9, 10, 11, 12 & 13, being members of an unlawful assembly for the purpose of committing Dacoity. Section 143. Abetting Dacoity Section $\frac{395}{109}$.	No. 1 Prisoner 29th December 1868.	29th December 1868 Nos 2 and 3 Transportation for life Nos 4 to 14 Seven years rigorous imprisonment commuted to 7 years transportation	Rangoon 3 Assessors.
	2	Kyaw Tha	30							
	3	Shway Htoo	48							
	4	Tsan Doon	34							
	5	Chyeik Loon	22							
	6	Htoon Oung	34							
	7	Shway Yo	49			*All the accused*				
	8	Shway Htme	26		143	Being a member of an unlawful assembly for the purpose of committing Dacoity 25th, 26th, 27th, 28th April 1868.				
	9	Myah Tha	35							
	10	Pyoo Noung	15							
	11	Shway Koo	34							
	12	Nga Hlan	23							
	13	Shway Thee	23							
	14	Nga Ka	40		397	Dacoity with grievous hurt. *Amended charges against all the accused.*				
					395	Dacoity				
					395/109	Abetting Dacoity 28th April 1868.				

No, IV, *(Continued)*

No. of Trial.	Names and Particulars of Prisoners.					Offence charged.					Explanation and Remarks. (N.B.) The places and No. of Assessors should be noted.
	No. of each Prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.	Offence Established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	
1	2	3	4	5	6	7	8	9	10	11	12
31 of 1868.	1	Nga Shway Ywet	27	Burmese.	Boodhist.	302	Culpable Homicide 19th October 1868. H. W. Beddy Esq. Deputy Commissioner Bassein, 3rd November 1868.	Culpable Homicide Section 304.		22nd December 1868 6 Months rigorous imprisonment.	Rangoon 3 Assessors.
33 of 1868.	1	Nga Aye	25	Burmese.	Boodhist.	302	Murder 10th Nov. 1868. H. W. Beddy Esq. Deputy Commissioner, Bassein, 3rd December 1868.	Culpable Homicide Section 304.		22nd December 1868 6 Months rigorous imprisonment.	Rangoon 3 Assessors.

34 of 1868	1	Nga Pai	50	Burmese Boodhist	304	Culpable Homicide 9th December 1868 D F Lonsdale Esqr Assistant Commissioner, Rangoon, 21st December 1868	Culpable Homicide Section 304		28th December 1868 one year's rigorous imprisonment	Rangoon 3 Assessors

R D ARDAGH,
Commissioner of Pegu, and Sessions Judge

No. V.

ANNUAL STATEMENT of Sentences of Death referred for the confirmation of the Sudder Court by the Sessions Judge of Pegu Division for the year ending 31st December 1868.

No. of referred Sentence.	Prisoners.			Offence of which Prisoners is convicted by the Sessions Court which section of Code thereto applicable	Date of.			Date of the Sudder Court.		Remarks.
	No.	Name.	Caste.		Commitment.	Conclusion of trial.	Reference to the	Receipt of the Record.	Final order.	
1	2	3	4	5	6	7	8	9	10	
2 of 1868	1	Nga Pan	Burmese	Murder 302 I P C	21 Decr. 1867	28 Jany. 1868	31 Jany. 1868		4 Feby. 1868	Confirmed.
5 of 1868	1	Nga Nee	do.	Dacoity with murder 396 I P C.	29 Jany. 1868	5 Feby. 1868	12 Feby. 1868		18 Feby. 1868	Confirmed.
20 of 1868	1	Nga Toh	do.	Murder 302	2 July 1868	29 Decr. 1868	31 Decr. 1868		31 Decr. 1868	Confirmed.
22 of 1868	1	Nga Ya	do.	Murder 302	14 July 1868	16 Decr. 1868	18 Decr. 1868		22 Decr. 1868	Confirmed
23 of 1868	1	Nga Loogalay	do.	Murder 302	10 Augt. 1868	14 Augt. 1868	19 Augt. 1868		20 Augt. 1868	Confirmed.
25 of 1868	1	Mee Cho	do.	Murder 302	4 Septr. 1868	4 Septr. 1868	7 Septr. 1868		12 Septr. 1868	Confirmed.
26 of 1868	1	Nga Kyau	do.	Murder 302	18 Septr. 1868	24 Septr. 2868	1 Octr. 1868		15 Octr. 1868	Confirmed.

R D ARDAGH, *Commissioner of Pegu and Sessions Judge.*

No. VI.

ANNUAL STATEMENT of Criminal trials and Judicial Proceedings called for by the Sudder Court for revision under Chapter XXIX of the Code of Criminal Procedure and in Appeal under Chapter XXX of the same Code during the year ending 31st December 1868.

No of case called for.	Prisoners. No.	Prisoners. Name.	Prisoners. Caste.	Offence of which he has been convicted by the Sessions Court with Section of Code thereto applicable.	For revision under Chapter XXIX Code of Criminal Procedure.	On Appeal under Chapter XXX Code of Criminal Procedure	Date of despatch of the Case to the Sudder Court.	Date of the Sudder Court. Receipt of the Record.	Date of the Sudder Court. Final order.	REMARKS
1	2	3	4	5	6	7	8	9	10	
						None.				

R D ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. VII.

ANNUAL STATEMENT of Prisoners awaiting trial by Sessions Judge of Pegu Division at the close of the year ending 31st December 1868.

No of Pending Trial	Prisoners: No.	Prisoners: Names	Prisoners: Caste	Offence charged with Section of Code thereto applicable.	Date of Commitment.	No of days during which Prisoners have been waiting trial.	Prisoners: In Custody.	Prisoners: On Bail	Date of decision, if decided since the close of the month to which the Statement refers.	Explanation of the delay by the Sessions Judge of cases pending for three months and upwards
1	2	3	4	5	6	7	8	9	10	11
21 of 1868	1	Nga Oung	Burmese	Murder, Section 302 Indian Penal Code.	2nd July 1868.	183	1	...	23rd January 1869.	I had intended visiting Prome before the end of the year at the close of the rains—but found that I should be required for Recorder's work—this prevented me, as I had other business also to get through.
24 of 1868.	1	Nga Bho.....	do	Dacoity, Section 395.	8th August 1868.	125	5	..	6th February 1869	
	2	Shway Bin..	do							
	3	Shway Myo	do							
	4	Nga Deippa	do							
	5	Nga Nay	do							

29 of 1868	1	Nga Pho.....	.....do	Dacoity, Section 395.	20th October 1868.	71	3	...	19th January 1869.
	2	Nga Phyen...	.....do						
	3	Nga Tsan Hla	.....do						
32 of 1868	1	Nga Shwé Tsan.....	do	Dacoity with murder, Section 396.	21st Nov. 1868.	42	3	...	9th February 1869.
	2	Nga Tha-youk-kyee	do						
	3	Nga Tha-koo	do						
35 of 1868	1	Nga Kyay	do	Prisoner No. 1. Murder, 302; Nos. 2 to 7 Abetment of Murder, $\frac{302}{109}$	7th Dec. 1868.	25		...	5th January 1869.
	2	Nga Noay	do						
	3	Nga Lay Bouk	do						
	4	Nga Pho...	do						
	5	Nga Lay Youk	do						
	6	Nga Youk	do						
36 of 1868	1	Nga Loo.....	do	Nos. 1 to 4 Murder, Section 302. 2nd Charge against Nos. 3 and 4, Abetment of Murder, Section $\frac{302}{109}$	17th Dec. 1868.	14	4	...	21st January 1869.
	2	Nga Htoon Myaine	do						
	3	Nga Hso.....	do						
	4	Nga Kyouk Kay ...	do						
37 of 1868	1	Nga Shway Gan ...	do	Murder, Section 302.	12th Dec. 1868.	19	1	...	9th February 1869.

R. D. ARDAGH,

1	2	3		4		5		6		7		8		9	
Districts.		Number of persons whose cases were pending at the end of the previous year.		No. of persons brought to trial during the year		Number of persons convicted.		No. of persons committed.		Number of persons acquitted.		No. of persons who died, escaped, were transferred or otherwise disposed of.		No. of persons under trial at the close of the year.	
	Years.	In bailable offences.	In non-bailable offences.	In bailable offences.	In non-bailable offences.	In bailable offences.	In non-bailable offences.	In bailable offences.	In non-bailable offences.	In bailable offences.	In non-bailable offences.	In bailable offences.	In non-bailable offences.	In bailable offences.	In non-bailable offences.
Town Magistrate	1867	56	2	4,000	317	2,318	163	1	7	1,708	145	1	...	28	4
	1868	28	4	4,283	367	2,405	184	...	2	1,864	173	...	11	42	1
Cantonment Magistrate.	1867	3	...	341	38	186	15	...	...	152	23	...	...	6	...
	1868	6	...	534	32	356	16	...	...	184	15	...	1	...	...
District of Rangoon.	1867	6	9	2,265	700	850	298	...	12	1,370	390	2	1	49	8
	1868	49	8	2,557	774	758	322	...	5	1,806	449	...	...	42	6
District of Bassein.	1867	10	4	1,734	649	831	355	...	7	908	287	...	2	5	2
	1868	5	2	1,852	801	920	466	...	18	932	311	5	3	...	5
District of Myanoung.	1867	...	4	3,879	1,004	2,279	680	...	14	1,587	289	1	7	12	18
	1868	12	18	3,039	1,091	1,535	739	1	10	1,508	342	3	10	4	8
District of Prome.	1867	8	14	3,682	1,015	2,249	747	...	52	1,440	214	...	11	1	5
	1868	1	5	3,803	1,323	2,171	811	...	36	1,632	440	...	2	1	39
District of Toungoo.	1867	1	2	752	135	310	69	...	...	442	64	...	1	1	3
	1868	1	3	1,123	228	481	156	...	6	641	68	2	...	...	1
Total	1867	84	35	16,653	3,858	9,023	2,327	1	92	7,607	1,412	4	22	102	40
	1868	102	40	17,191	4,616	8,626	2,694	1	77	8,567	1,798	10	27	89	60

NOTE.—The difference between the Committals
Judicial Statements is accounted for as
2.—Were Committed to the Recorder's
5.—Were do. by the Deputy
ot be shown in Sessions tStatements
1.—Was Committed by the Sessions

Rangoon,
9th April 1869.

B.

in British Burma during the year 1868-69

10												11	12	13	14	15
Total amount of fines.												Proportion of persons brought to trial for bailable offences to population.	Proportion of persons brought to trial for non-bailable offences to population.	Proportion of Convictions and Commitments to No. of persons brought to trial in bailable offences	Proportion of Convictions and Commitments to No of persons brought to trial in non-bailable Offences	Population.
Imposed.			Realized.			Compensation under Section 44 Code of Criminal Procedure.										
						Ordered.			Paid.							
30,115	8	...	21,546	12	...	70	...	...	70	...	...	5·7	·4	57·1	53·8	70,800
30,662	...	...	24,999	...	...	23	...	...	23	...	...	5·9	·5	55	50	72,268
1,813	4	...	1,653	4	..	30	...	...	30	...	...	7·5	·8	54	39·4	4,569
2,116	..	...	2,116	..	...	.....	...	...	.....	...	...	15.1	·8	65	50	3,574
10,376	1	...	9,200	1	...	952	...	...	952	...	..	·8	·2	37·4	42	280,228
17,124	...	...	12,100	..	...	527	8	...	527	8	...	·9	·2	29	41	285,807
14,998	3	...	12,187	..	...	527	8	...	527	8	...	·6	·2	47·6	54·7	274,540
15,005	10	...	11,702	10	...	1,434	2	...	1,434	2	..	·6	·3	49	58	291,217
29,016	12	...	22,466	12	...	2,130	4	...	890	11	9	·1	·2	58.2	67·7	380,505
44,182	...	...	24,952	...	...	1,462	...	...	772	..	...	·7	·2	50	67	393,627
29,660	11	9	22,034	2	...	2,410	2	...	864	2	...	1·1	·3	61	78·1	332,493
34,074	2	..	26,728	14	...	5,387	4	..	2,215	8	...	1.0	·3	57	63	360,712
4,514	...	...	3,847	...	..	1,482	...	...	122	...	...	·9	·1	41·1	50·3	80,059
7,409	8	...	4,421	12	...	1,623	10	...	1,259	5	...	1·4	·3	42	70	76,950
1,20,494	7	9	92,935	6	...	7,601	14	...	3,546	5	9	1·4	·2	63·9	62·5	1,445,890
1,50,573	4	.	1,07,020	4	...	10,457	8	..	6,231	7	.	1·16	·31	.....	58	1,484,155

in this Statement and that shown in the Sessions
follows.
Court.
Commissioners at the close of 1867, which could
for 1867
Judge

R. D. ARDAGH.

Commissioner of Pegu,

and Sessions Judge

STATEMENT showing the duration of Criminal Cases and

of the Division of Pegu,

Districts.	Number of Cases decided within days as under.														
	1 Day	2 Days	3 "	4 "	5 "	6 "	7 "	8 "	9 to 15 Days	16 to 24 "	25 to 30 "	31 to 45 "	46 to 60 "	61 to 90 "	90 to 120 "
Town Magistrate Rangoon	1153	950	98	19	4	.	...	...	...	...	..	...	...	...	...
Cantonment Joint Magistrate	209	80	5	1	...	...	...	...	...	..	...	...	...	...	...
Total. ...	1362	1030	103	20	4	..	.		...	...		...	...	..	...
Rangoon	424	240	168	113	102	94	92	88	173	79	49	22	2	4	1
Bassein	457	251	227	156	63	31	19	38	7	36	11	4	2	..	
Myanoung	887	474	314	164	116	109	77	61	158	87	48	31	13	9	3
Prome	1019	437	353	273	157	137	109	77	89	108	18	12	5	3	1
Toungoo	279	110	72	58	44	39	26	22	38	16	2	3			
Total	3066	1512	1134	764	482	410	323	286	465	326	128	72	22	16	5
Grand Total. . .	4428	2542	1237	784	486	410	323	286	465	326	128	72	22	16	5

RANGOON,
9th April 1869

detention of Witnesses in the several Districts during the year 1868.

Total number of Cases.	Total number of Days.	Average duration of each case.	Date of oldest case pending.	No. of Witnesses discharged after.											Total
				1 Day	2 Days	3 „	4 „	5 „	6 „	7 „	8 „	9 to 15 Days	16 to 23 „	24 to 30 „	More than 30 days.	
2224	3443	1	9 Nov.	2945	...	...	...	...	...	...	...	...	...	...	...	2945
295	382	1		273	...	...	...	...	...	...	...	...	...	...	...	273
2519	3825	1		3218	...	...	...	...	...	...	...	...	...	...	...	3218
1651	10721	6	* April 1864	1584	537	240	...	...	...	...	...	...	...	...	...	2361
1302	4404	3	* May 1867	2200	784	405	205	...	...	...	...	...	...	...	...	3594
2551	13052	5	* 27 Nov. 1868	5655	123	37	...	...	...	...	...	...	...	...	...	5815
2798	11663	4	* 10 Feb. 1868	6410	615	251	209	175	115	50	47	47	...	...	...	7919
709	2571	3½	* 1866	932	279	51	2	...	...	...	...	...	...	...	...	1264
9011	42411	47		16781	2338	984	416	175	115	50	47	47	...	...	...	20953
11530	46236	4		19999	2338	984	416	175	115	50	47	47	...	...	...	24171

* All these are cases of Insane Persons.

R. D. ARDAGH,
Commissioner of Pegu,
and Sessions Judge.

STATEMENT shewing the Criminal Cases Sessions
Commissioner of

	Pending at the close of 1867.		Committed during 1868.			Disposed of on trial.		Transferred or otherwise disposed of.	Pending at the close of 1868.	
	Cases.	Persons.	Cases.	Persons.	Total.	Convicted.	Acquitted.		Cases.	Persons.
Rangoon District.										
Captain M. Lloyd	0	0	4	4	4	4	0	0	0	0
D. F. Lonsdale Esqr.....	0	0	1	1	1	1	0	0	0	0
Bassein District.										
H. W. Beddy Esqr.....	1	1	5	18	19	17	2	0	0	0
Myanoung District.										
Major C. P. Hildebrand...	1	1	6	11	12	6	6	0	0	0
Prome District.										
Captain Watson.....	3	17	4	6	23	19	4	0	0	0
do. Street..	0	0	1	6	6	0	0	1	1	5
Major Munro.....	0	0	7	18	18	9	1	0	3	8
Mr. C. Phillips.....	0	0	7	11	11	4	3	0	2	4
Toungoo District.										
Major McMahon.....	0	0	1	6	6	0	0	0	1	6
Col. R. D. Ardagh, Sessions Judge.....	0	0	1	1	1	1	0	0	0	0
TOTAL.....	5	19	37	82	101	*61	16	1	7	23

* Includes 1 man whose commitment was cancelled.

RANGOON, }
9th April 1869. }

andAppeals brought to trial and disposed of by the the Pegu Division.

	Pending at close of 1867.	Preferred during 1868.	Total Cases.	Rejected.	Disposed of on trial.			Transferred or otherwise disposed of.	Pending at close of 1868.
					Confirmed.	Modified.	Reversed.		
Rangoon District.									
Captain M. Lloyd.....	0	20	20	5	6	3	6	0	0
Mr. D. F. Lonsdale.....	0	1	1	0	0	0	1	0	0
Lieut. Prendergast.....	0	3	3	0	2	0	1	0	0
Bassein District.									
H. W. Beddy Esqr.....	1	7	8	2	3	2	0	1	0
Mr. C. Phillips...	0	1	1	1	0	0	0	0	0
Myanoung District.									
Major C. P. Hildebrand	2	15	17	5	6	2	4	0	0
Prome District.									
Captain C. W. Street.....	1	22	23	3	18	2	0	0	0
Mr. C. Phillips.....	0	24	24	2	13	1	8	0	0
Major Munro.....	0	6	6	2	3	1	0	0	0
Toungoo District.									
Major McMahon.....	0	2	2	0	2	0	0	0	0
TOTAL.....	4	101	105	20	53	11	20	1	0

R. D. ARDAGH,

Commissioner of Pegu.

and Sessions Judge.

WHIPPING IN LIEU OF OTHER PUNISHMENT UNDER SECTION 2, ACT VI OF 1864.					Whipping in lieu or in addition on a second conviction (for offences in Col. 1) Sec. 3, Act VI of 1864.			WHIPPING IN *addition* TO OTHER PUNISHMENT ON A SECOND CONVICTION FOR THE OFFENCES DETAILED BELOW, UNDER SECTION 4, ACT VI OF 1864.			
1	2	3			4			5	6	7	
Nature of the offence.	Section of the Indian Penal Code under which it comes.	No. of persons flogged			No. of persons flogged.			Nature of the offence.	Section of I. P. C.	No. of persons flogged.	
		Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.			Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
1. Theft	379	3	17	1	...	6	...	1. Theft.	380	...	3	...
2. Do. in a building, tent, or vessel. ...	380	3	5	...	1	5	1	2. Giving or fabricating false evidence...	193	...	...	...
3. Do. by a clerk or servant.	381	...	...	...	...	1	...	3. Do. with intent to procure conviction of a capital offence	194	...	...	...
4. Do. after preparation for causing death or hurt	382	...	...	...	...	...	...	4. Do. with intent to procure conviction of an offence punishable with transportation or imprisonment	195	...	...	...
5. Extortion by threat.	388	...	...	...	...	...	...	5. Falsely charging any person with hav-	211 &			
6. Putting a person in fear of accusation in order to commit extortion	389	...	...	...	...	...	...					

7. Dishonestly receiving stolen property....	411	...	...	1	1	2	...	ing committed an unnatural offence ...	377	...	...	...
8. Do. in the commission of a Dacoity. ...	412	...	...	...	...	...	...	6. Assaulting or using criminal force to any woman with intent to outrage her modesty	354	...	...	...
9. Lurking house-trespass or house-breaking in order to commit an offence punishable with whipping.	443 & 445	...	...	...	...	...	...	7. Rape	375	...	...	...
								8. Unnatural offences	377	...	...	...
10. Do. by night	444 & 446	...	...	...	...	...	...	9. Robbery or Dacoity	390 & 391	...	...	...
								10. Attempting to commit Robbery ...	393	...	...	...
								11. Voluntary causing hurt in committing Robbery	394	...	...	...
								12. Habitually receiving or dealing in stolen property	413	...	...	...
								13. Forgery	463	...	...	...
								14. Do. of a Document	466	...	...	...
								15. Ditto	467	...	...	...
								16. Do. for the purposes of cheating ...	468	...	...	...
								17. Do. for the purpose of harming the reputation of any person ...	469	...	...	...
								18. Lurking house-trespass or house-breaking	443 & 445	...	...	...
								19. Do. by Night.	444 & 446	...	...	...
TOTAL.....		6	22	2	2	14	1	TOTAL.....		...	3	...

B.

CASES OF JUVENILE OFFENDERS PUNISHED WITH WHIPPING UNDER SECTION 5, ACT VI OF 1864

Nature of offence.	Section of Indian Penal Code	No. of persons flogged.		
		Up to 10 Stripes	Up to 20 Stripes.	Up to 30 Stripes.
Vide Attachment				
Total.....				

C.

Appeals under the Whipping Act.

1	2	3	4	5	6	7	8	9
	Appeals from orders passed under Act VI of 1864.							
From the orders of the	Pending on	Preferred during the	Total	Appeals rejected	Order confirmed	Order modified or reversed	Pending at the close of	Longest period in days during which any undecided case has been pending.
Total...								

B.

Cases of Juvenile Offenders punished with Whipping under Section 5 Act. VI of 1864.

Nature of Offence.	Section of Indian Penal Code.	No. of persons flogged.		
		Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
Thefts	379	6	14	5
do	380	6	2	...
Rape	376	2	...	...
Robbery	392	...	1	...
Dishonest receipt of Stolen property	411	2	4	...
Do ... ... do	412	1	...	...
Mischief	428	...	1	...
House breaking by night	457	...	...	1
Do ... do abetment of	457	...	1	...
	109			
Total ...		17	23	6

RANGOON,
9th April 1869.

R. D. ARDAGH,
Commissioner of Pegu.
and Sessions Judge.

No. I.

ANNUAL General Statement of the Sessions Judge of Tenasserim Division of British Burma for the year ending 31st Dec. 1868.

Class.	Offences. Authority.	Offences. Description.	Under trial at the close of 1867. Cases.	Under trial at the close of 1867. Persons.	Committed to the Session during 1868. Cases.	Committed to the Session during 1868. Persons.	Received from other quarters. Cases.	Received from other quarters. Persons.	Total number of persons under Trial	Disposed of. Commitments cancelled.	Disposed of. Referred to the Court of the Chief Commissioner, British Burma.	Disposed of. Convicted.	Disposed of. Acquitted.	Disposed of. Died.	Disposed of. Escaped.	Disposed of. Transferred.	Under trial at the close of 1868. Cases.	Under trial at the close of 1868. Persons. In custody.	Under trial at the close of 1868. Persons. On bail.	Under trial at the close of 1868. Persons. On recognizance.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
B.	193	Giving false evidence	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...
"	212	Harboring an offender	...	...	1	1	...	...	1	...	...	...	...	...	...	...	1	1	...	...
A.	302	Murder	...	...	4	4	...	...	4	...	2	2	...	...	...	...	...	...	...	...
"	302	Murder																		
"	109	Abetment of Murder	...	...	1	3	...	...	3	...	...	3	...	...	...	...	...	...	...	...
"	302																			
"	307	Attempt to Murder	...	...	1	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...
B.	318	Concealment of birth	...	...	1	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...
A.	326	Voluntary causing grievous hurt &c ...	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...
"	333																			
"	376	Rape	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...
"	511	Attempt to commit Rape	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...
"	376																			

"	392	Robbery	1	1	1	3	...	...	4	.....	.....	4	...	...	...	.....	.....	.....	.....
"	395	Dacoity	...	...	2	7	...	...	7	.....	.....	7	...	...	...	.....	.....	.....	.....
"	396	Murder in Dacoity	1	1	...	...	...	...	1	.....	.....	1	...	...	...	.....	.....	.....	.....
"	400	Belonging to a gang of Dacoits	1	1	...	...	...	...	1	.....	.....	1	...	...	...	.....	.....	.....	.....
"	411	Dishonestly receiving stolen property... ...	...	...	1	2	...	...	2	.....	.....	1	...	...	...	....	.....	.....	.....
		Total	3	3	16	26	...	...	29	.....	2	24	2	...	...	1	1	.....	.....

TENASSERIM DIVISION,
Sessions Judge Office,
The 3rd March, 1869.

E. M. RYAN, LT. COLONEL,

Commissioner, Tenasserim Division,

of British Burma and Sessions Judge.

No. II.

STATEMENT of degrees of punishment inflicted by the Sessions Judge of Tenasserim Division of British Burma, for the year ending the 31st December 1868.

Transportation.			Persons sentenced to Imprisonment.									Persons sentenced to Fine.						Total Amount of Fines.				Note to Statement. No. II.		
	For life.	For 14 years and above.	For 7 years and above.	From 14 to 7 years.			From 6 to 3 years.			From 3 years.			Find Security.		Enter into recognizance to keep the peace.	From Rs. 5,000 to Rs. 1,000.	Below Rs. 1,000 to Rs. 500.	Below Rs. 500 to Rs. 200.	Below Rs. 200.	Imposed.	Realized.			Persons sentenced to Imprisonment	With stripes.	With fine and stripes.
				Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	For good behaviour.	To keep the peace.								Applied in compensation under Section 44 Code of Criminal Procedure.	Paid.			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	1	2	3
																								From 14 to 7 years..		
																								From 6 to 2 years..		
																								Below 2 years..		
																								Total		
Lt Colonel D. Brown	1		2																							
Lt. Colonel E. M Ryan	5		12	1			1			1										1,000						
Total	6		14	1			1			1										1,000						

No. III.

STATEMENT OF APPEALS preferred to the Sessions Judge of Tenasserim Division of British Burma, for the year ending 31st December 1868.

District.	Office.	Names of Officers.	Appeals from convictions on trial and from orders under Chaps. X. and XIX Code of Criminal Procedure.											Explanation of Entries in Columns 13, and 14.
			Pending at the close of 1867.	Preferred during 1868.	Total.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Returned for reinvestigation.	Pending at the close of 1868.	Longest number of days that any Suit has been pending.	Date of oldest case pending.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Amherst	Deputy Commissioner	Captain H. A. Browne	...	3	3	...	2	...	1	...	...	...	...	
	Asst. Commissioner	G. E. Barr Esq.	...	12	12	...	8	2	2	...	...	...	...	
	Ditto.	C. J. F. S. Forbes Esq.	...	2	2	...	...	1	...	...	*1	...	...	* Decided 6th Jany. 1869.
Maulmain	Magistrate	J. K. Macrae Esq.	...	6	6	...	6	...	...	...	...	...	...	
Tavoy	Deputy Commissioner	Lt.-Col. G. Faithfull	...	4	4	...	1	3	...	...	...	...	...	
Mergui	Ditto.	T. Shepherd Esq.	...	6	6	...	6	...	...	...	...	...	...	
Shwè Gyeen	Ditto.	Captain C. E. Watson	...	7	7	...	5	2	...	...	...	...	...	
		Total	...	40	40	...	28	8	3	...	1	...	...	

E. M. RYAN Lieut: Coll., *Offg: Commr: Tenasserim Division, British Burma*

No. IV.

STATEMENT of Prisoners punished and acquitted by the Sessions Judge of Tenasserim Division, for the year ending 31st December 1868.

No. of Trial.	Name and particulars of Prisoners.					Offence charged.			Acquitted with date.	Convicted with date and particular of sentence.	Place and number of Assessors to be noted
	Number of each Prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of Committing Officer and date of Commitment.	Offence established quoting Section of Code thereto applicable.			
1	2	3	4	5	6	7	8	9	10	11	12
Pending Cases of 1867.	1	1 Tsike-foe	25	...	Boodhist.	392	"Robbery" 21st November 1865. Lt.-Col. G. Faithfull, 2nd December 1867.	"Robbery" Murder Section 392.	...	Convicted 18th January 1868 and sentenced to 10 years rigorous imprisonment.	Tried at Maulmain with the aid of Assessors No. 1 Moung Hmat „ 2 „ Thoo
	2	1 Tsike-foe	...	...	do	400	Belonging to a gang of Dacoits, &c. during 1863–64. Lt.-Col. G. Faithfull, 2nd December 1867.	Belonging to a gang of Dacoits. Section 400.	...	Convicted 18th January 1868 and sentenced to 10 years rigorous imprisonment.	
	3	1 Tsike-foe	...	...	do	396	Murder in Dacoity on 21st December 1863. Lt.-Col. G. Faithfull, 26th December 1867.	Murder in Dacoity. Section 396.	...	Convicted 18th January 1868 and sentenced to transportation for life.	

1	1	Nga Htoon	30	do	302	"Murder" 10th Dec. 1867. G. A. Strover Esq. 6th January 1868.	Murder Section 302.		Convicted 10th Sept. 1868 and sentenced to transportation for life.		At Camp. Beeling Assessors. No. 1 Moung Nyo-doke „ 2 „ Phyoo-young „ 3 „ Shwe Thee
2	1	Tee Poh	—	do	395	"Dacoity" on 21st Sept. 1866. G. E. Barr Esq. 11th Feby. 1868.	"Dacoity" Section 395.	Prisoner No. 2 acquitted 6th March 1868	Convicted 11th Feby. 1868. Prisoners 1, 5, & 6 to 10 years and 2, 3 & 4 to 7 years transportation under Sec. 59 of I. P. C.		At Maulmain. Assessors. No. 1 Moung Shwe Gai „ 2 „ Shwe Thee
	2	Ta Kaw	—								
	3	Pan-dee	26								
	4	Wah-dee	—								
	5	Kyay-tha	—								
	6	Mya-Oung	—								
3	1	Hpòh Poh	—	do	411	Dishonestly receiving stolen property &c. on 1st Jany. 1868. G. E. Barr Esq. 12th Feb. 1868.	Dishonestly receiving stolen property, &c. Section 411.		Prisoner No. 1 convicted on 6th March 1868 and sentenced to 3 years rigorous imprisonment and 1000 Rs. fine, in default 8 months additional imprisonment.		At Maulmain. Assessors. No. 1 Moung Kyee „ 2 „ Htoo
	2	Pan-dee	26								
4	1	Tha-mwai	30	do	395	Dacoity on the 1st January 1868. G. E. Barr Esq. 3rd March 1868.	Dacoity Section 395.		Convicted 5th March 1868 and sentenced to 10 years transportation under Sec. 59 of I. P. C.		Ditto.
5	1	Nga Pandee	37	do	326 & 333	Voluntarily causing grievous hurt &c. 7th Jany. 1868. G. E. Barr Esq. 22nd April 1868.	Voluntarily causing grievous hurt. S. 326 & 333.		Convicted 24th April 1868 and sentenced to 10 years transportation under Sec. 59 of I. P. C.		At Maulmain. Assessors. No. 1 Moung Paw-loo „ 2 „ Shwe Hwa
6	1	Mee Heet.	40	do	302	Murder on 17th April 1868. T. Shepherds Esq. 4th May 1868.	Murder Section 302.		Convicted 14th Nov. 1868 and sentenced to transportation for life.		At Mergui. Assessors. Moung Youk „ Shwe Boo „ Tha-la

No. IV. *(Continued.)*

Number of each Trial.	Names and particulars of Prisoners.					Offence charged.				Convicted with date and particular of sentence.	Place and Number of Assessors to be noted.
	Number of each Prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration, name of Committing Officer and date of Commitment.	Offence established quoting Section of Code thereto applicable.	Acquitted with date.		
1	2	3	4	5	6	7	8	9	10	11	12
7	1	Saduk Ally	23	Hindoo Musulmen	Mahomedan	376	Rape on 18th July 1868. G. E. Barr Esq. 29th July 1868.	Rape Section 376.	...	Convicted on 11th August 1868 and sentenced to 7 years rigorous imprisonment under Section 376 of I. P. C.	At Maulmain. Assessors. No. 1 Moung Bain, „ 2 „ Shwe Moung
8	1	Cundiah	30			307	Attempt to Murder on 17th May 1868. Captain C. E. Watson, 1st July 1868.	Attempt to Murder. Section 307.	...	Convicted 11th Sept. 1868 and sentenced to 10 years transportation under Sec. 59 of I. P. C.	At Camp Beeling. Assessors. No. 1 Shaik Ally, „ 2 Khadef Saib
9	1	Mee Nay	45	...	Boodhist	318	Concealment of Birth, &c. on 7th July 1868. G. E. Barr Esq., 4th Sept. 1868.		Acquitted 25th Sept. 1868.		At Maulmain. Assessors. No. 1 Moung Quaygalai, „ 2 „ Naydoon

10	1	Nga Myne	39	...	do	392	Robbery. On the 25th August 1868. Capt. H. A. Browne 25th Sept. 1868.	Robbery Section 392.	...	Convicted on 27th October 1868 and sentenced to 7 years transportation under Section 59 of I. P. Code.	At Maulmain. Assessors. No. 1 Moung Koon ,, 2 ,, tha-gnay
	2	Nga Goon	27	...	do						
	3	Nga Toke	34	...	do						
11	1	Nga Htawphaw	27	...	do	302 & 109 302	Murder and Abetment of Murder. On 21st May 1868. Capt. H. A. Browne 28th Sept. 1868.	Abetment of Murder Section 109/ 302.	...	Convicted on 25th November 1868 and sentenced to transportation for life.	At Maulmain. Assessors. No. 1 Moung-wai ,, 2 ,, Nee
	2	Nga Dee Doo	17	...	do						
	3	Htee-tone-moo	20	...	do						
12	1	Mee Shwè	15	...	do	193	Giving false evidence. 23rd October 1868. C. J. F. S. Forbes Esq. 16th November 1868.	Giving false evidence &c. Section 193.	...	Convicted on 11th December 1868 and sentenced to 6 months rigorous imprisonment under Sec. 193 of I. P. C.	At Maulmain. Assessors. No. 1 Moung.mm-chee ,, 2 ,, Shwe Noke
13	1	Sullupah	45	Mussulman Mahomedanism		511 & 376	Attempt to commit at Rape. 9th November 1868. C. J. F. S. Forbes Esq.	Attempt to commit Rape. Sec. 511/376	...	Convicted on 18th December 1868 and sentenced to 5 years rigorous imprisonment.	At Maulmain. Assessors. No. 1 Moung Shwe Bong ,, 2 ,, ,, Nong

E. M. RYAN Lieut: Coll.,
Offg. Commissioner, Tenasserim Division, British Burma.

No V.

STATEMENT of Sentences of death referred for the confirmation of the Chief Commissioner British Burma, by the Sessions Judge of Tenasserim Division for the year ending 31st December 1868.

No. of referred Sentence.	Prisoners			Offence which prisoner is convicted by Sessions Court with Section of Code thereto applicable.	Date of			Date of the Chief Commissioner's Court.		REMARKS.
	Number.	Name.	Caste.		Commitment.	Conclusion of trial.	Referred to the Chief Commissioner's Court.	Receipt of the Record.	Final Order	
1	2	3	4	5	6	7	8	9	10	
1	1	Nga Twa ...	...	Murder Section 302 ...	28th July 1868 ...	12th November '68..	20th November '68..	21st November '68..	24th November '68..	Prisoner Nga Tha-ay was hanged at Tavoy.
2	1	Nga Tha-ay...	...	Murder Section 302 ...	27th October 1868 ...	6th November 1868 ...	7th November 1868 ...	8th November '68..	12th November '68.	Prisoner Nga Tha-ay was hanged in Maulmain Gaol on the 23rd November 1868.

No. VI.

ANNUAL Statement of Criminal trials and Judicial Proceedings called for by the Chief Commissioner of British Burma for Revision under Chapter XXIX of the Code of Criminal Procedure, and on Appeal under Chapter XXX of the same Code for the Year ending 31st December 1868.

Number of case called for	Prisoners. Number.	Prisoners. Name.	Prisoners. Caste.	Offence of which he has been convicted by the Sessions Court with Sections of Code thereto applicable.	For revision under Chapter XXIX Code of Criminal Procedure	On Appeal under Chapter XXX Code of Criminal Procedure.	Date of despatch of the case to the Chief Commissioner's Court.	Date of the Chief Commr's Court. Receipt of the Record.	Date of the Chief Commr's Court. Final order.	Remarks.
1	2	3	4	5	6	7	8	9	10	
1	1	Saduk M. Ally	Musselman-	Rape under Sec 376 of I P. Code.	.....	Appeals against the sentence of 7 years rigorous imprisonment.	21st September 1868.	33rd September 1868.	24th September 1868.	
2	1	Nga Dee-doo-	...	Abetment of Murder Section 109-302 of I. P. Code.	For revision of sentence.	...	28th November 1868.	2nd Dec 1868.	14th January 1869	

E. M. RYAN Lieut: Coll, *Offg: Commr. Tenasserim Division, British Burma.*

No VII

STATEMENT of Prisoners awaiting trial by Sessions Judge of Tenasserim Division at the end of year 1868

Number of pending trial.	Prisoners			Offence charged with Section of Code thereto applicable.	Date of Commitment.	Number of days during which the prisoners have been waiting trial	Prisoners		Date of decision if decided since the close of the month to which the Statement refers	Explanation of the delay by the Sessions Judge of cases pending for 3 months and upwards.
	Number.	Name.	Caste.				In custody.	On Bail.		
1	2	3	4	5	6	7	8	9	10	11
1	1	Nga Tah Moo ...	...	Harbouring an offender under Section 212 of I P Code.	14th December 1868.	17 Days including Holidays.	1	...	8th January 1868	

E. M. RYAN Lieut: Coll, *Offg. Commr. Tenasserim Division, British Burma.*

A.

ARSTRACT STATEMENT of Criminal Cases brought to Trial and disposed of in the several Districts of the Division of Tenasserim during the year 1868.

District.	Under Trial at the close of 1867.		Brought to Trial during 1868.		Total of Persons.	Disposed of on Trial			Died Escaped or Transferred.	Under Trial at the close of 1868.		Total amount of Fines.									
												Imposed			Realized.			Applied in Compensation under Section 44 of the Code of Criminal Procedure.					
																		Ordered.			Paid.		
	Cases.	Persons.	Cases.	Persons.		Committed.	Convicted.	Acquitted.		Cases.	Persons.												
Amherst	31	70	1199	1862	1932	22	887	979	8	21	36	22073	8	...	1019	...	...	1632	6	8	980	14	8
Maulmain ...	...	...	1539	3900	3900	16	2480	1355	...	29	49	22724	...	...	14860	2	...	385	8	...	335	8	..
Tavoy	3	4	261	464	468	1	288	172	...	3	7	6272	...	...	2367	...	...	444	...	...	309	...	..
Mergui	...	...	378	581	581	1	439	141	...	...	...	4349	12	...	3539	12	...	851	4	...	631	4	..
Shwè Gyeen ...	7	9	771	1306	1315	3	765	525	...	6	22	6687	4	...	4536	...	...	1369	12	...	1369	12	..
Total.....	41	83	4148	8113	8196	43	4859	3172	8	59	114	62106	8	...	35494	14	...	4682	14	8	3626	6	8

Maulmain,
Commissioner's Office, The 3rd March 1869.

E. M. RYAN,—*Lieut.-Colonel.*
Offg Commissioner, Tenasserim Division of B B

STATEMENT Shewing the duration of Criminal Cases and the detention of Wit-

1	No. of cases decided within days as under.														
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Districts.	1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	9 to 15 days.	16 to 24 days.	25 to 30 days.	31 to 45 days.	46 to 60 days.	61 to 90 days.	91 to 120 days.
Amherst. ..	403	131	130	89	58	50	46	49	103	71	32	14	11	5	5
Maulmain	818	293	190	48	37	28	17	16	39	19	3	1	0	1	0
Tavoy. ...	87	25	22	28	16	17	13	8	28	15	2	0	0	0	0
Mergui ..	130	130	53	31	13	4	9	2	3	3	0	0	0	0	0
Shwè-Gyeen....	169	144	125	118	86	68	42	6	6	2	0	2	1	0	0
Total...	1607	723	520	314	210	167	127	81	179	110	37	17	12	6	5

Maulmain Commissioner's Office,
The 3rd March 1869..

nesses in the several Districts of the Division of Tenasserim during the year 1868

17	18	19	20	No. of Witnesses discharged after												33
				21	22	23	24	25	26	27	28	29	30	31	32	
Total No. of Cases.	Total No. of Days.	Average duration of each case.	Date of oldest case Pending	1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days	9 to 15 days.	16 to 23 days.	24 to 30 days.	More than 30 days.	Total.
1197	9239	7½	6th Augt 1868	2279	121	25	25	33	7	7	20	0	0	0	0	2517
1510	3733	2	7th Dec. 1868	2598	385	416	77	30	4	0	0	0	0	0	0	3510
261	1492	5½	Do.	858	19	5	0	0	0	0	0	0	0	0	0	882
378	934	2	Do.	944	19	3	4	0	0	0	0	0	0	0	0	970
769	2714	3½	12th Do	1659	116	23	7	0	0	0	0	0	0	0	0	1806
4115	18112	4		8338	660	472	113	64	11	7	20	0	0	0	0	9685

E M. RYAN, Lieutenant Colonel,
Offg Commr Tenasserim Division of B. B

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
DISTRICT	YEARS.	Under trial at the close of 1867.		Brought to trial during the year 1861 including transfers.		Total No. of Persons brought to trial during the year.		Number of Persons convicted.		Number of Persons committed.		Number of Persons acquitted.		No. of Persons who died, escaped, were transported or otherwise dealt with.		Number under trial at the close of the year.	
		In Non-bailable Offences	In Bailable Offences	In Non-bailable Offences	In Bailable Offences	In Non-bailable Offences	In Bailable Offences	In Non-bailable Offences	In Bailable Offences	In Non-bailable Offences	In Bailable Offences	In Non-bailable Offences	In Bailable Offences	In Non-bailable Offences	In Bailable Offences	In Non-bailable Offences	In Bailable Offences
Amherst ...	1868	23	47	604	1258	627	1305	272	615	19	3	321	658	4	4	11	25
Maulmain ...		...	...	206	3694	206	3694	132	2348	14	2	59	1296	...	...	1	48
Tavoy		...	4	78	386	78	390	59	229	1	...	18	154	...	...	...	7
Mergui		...	...	51	53	51	530	43	396	1	...	7	134	...	...	...	...
Shwè Gyeen		1	8	171	113	172	1143	132	633	3	...	36	489	...	...	1	21
TOTAL.....	1868	24	59	1110	7003	1134	7062	638	4221	38	5	441	2731	4	4	13	101

MAULMAIN,
COMMISSIONER'S OFFICE,
The 3rd March 1869.

C.

Magistrates' Court of Tenasserim Division of

during the year 1868.

19	20	20	22	23	24	25	26	
Total Amount of Fines.								
Imposed.	Realized.	Compensation under Section 44 of the Code of Criminal Procedure. Ordered.	Compensation under Section 44 of the Code of Criminal Procedure. Paid.	Proportion of persons brought to Trial for Non-bailable Offences to population.	Proportion of persons brought to Trial for Bailable Offences to population.	Proportion of Convictions and Commitments to No. of persons brought to Trial in Non-bailable Offences.	Proportion of Convictions and Commitments to No. of persons brought to Trial in Non-bailable Offences.	Population.
22073 8 ...	1019	1632 6 8	980 14 8	1 to 255	1 to 122	46 %	47 %	160,217
22724	14860 2 ...	385 8 ...	335 8 ...	1 „ 320	1 „ 17	70 „	63 „	66,022
6272	2367	444	309	1 „ 925	1 „ 185	76 „	58 „	72,185
4349 12 ..	3539 12 ...	851 4 ...	631 4 ...	1 „ 848	1 „ 81	86 „	74 „	43,281
6687 4 ...	4536	1369 12 ...	1369 12 ...	1 „ 769	1 „ 115	78 „	55 „	132,311
62106 8 ...	35494 14 .	4682 14 8	3624 6 8	1 to 418	1 to 67	59 %	59 %	474,016

E. M. RYAN,—*Lieut.-Colonel,*

Offg. Commissioner, Tenasserim Division of B. B

D.

STATEMENT shewing the Criminal Cases, Sessions and Appeals, brought to trial and disposed of by the Commissioner, Tenasserim Division, British Burma, during the year 1868.

District.	Sessions Cases.										Appeal Cases.									Remarks
	Pending at the close of 1867.		Committed during 1868.		Total Persons.	Disposed of on trial.		Transferred or otherwise disposed of.	Pending at the close of 1868.		Pending at the close of 1867.	Preferred during the year.	Total Cases.	Rejected.	Disposed of on trial—Sentence of Lower Court.			Transferred or otherwise disposed of.	Pending at the close of 1868.	
	Cases.	Persons.	Cases.	Persons.		Convicted.	Acquitted.		Cases.	Persons.					Confirmed.	Modified.	Reversed.			
Amherst	3	3	12	22	25	22	2	...	1	1	...	17	17	...	10	3	3	...	*1	*Decided 6th January 1869. †Cases under Abkaree Law
Tavoy	...	...	1	1	1	1	...	...	...	...	...	4	4	...	1	3	...	...	...	
Mergui	...	...	1	1	1	1	...	...	...	...	...	6	6	...	6	...	...	...	...	
Shwè-Gyeen	...	...	2	2	*2	2	...	...	...	...	...	7	7	...	5	2	...	...	...	
Maulmain	...	...	...	...	...	...	...	...	...	...	...	6	6	...	†6	...	...	...	...	
Total	3	3	16	26	29	26	2	...	1	1	...	40	40	...	28	8	3	...	1	

MAULMAIN,
COMMISSIONER'S OFFICE,
The 3rd March 1869.

* Excluding 1 person committed to Sessions on the 21st December 1868, the Proceedings were not received by the Sessions Court till long after the close of the year, and after the Sessions Statements have been prepared.

E. M. RYAM, LIEUT. COL
Offg. Commissioner Tenasserim Division of British Burma.

WHIPPING IN LIEU OF OTHER PUNISHMENT UNDER SECTION 2, ACT VI OF 1864.														WHIPPING IN LIEU CONVICTION SECTION					
1	2	3			4			5			6			7			8			9		
NATURE OF OFFENCE.	Section of the Indian Penal Code under which it comes.	No. of persons flogged.															No. of		
		Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
		Amherst.			Maulmain.			Tavoy.			Mergui.			Shwègyeen.			Amherst.			Maulmain.		
1. Theft	378	2												1	2							
3. Do. in building tent or vessel	380				4						2									3	3	
3. Do. by clerk or servant.	381																					
4. Do. after preparation for causing death or hurt	382																					
5. Extortion by threat	388																					
6. Putting a person in fear of accusation in order to commit extortion	389																					
7. Dishonestly receiving stolen property	411										1											
8. Do. in the commission of a Dacoity	412																					
9. Lurking house trespass or house breaking in order to commit an offence punishable with whipping	443 & 445																					

OR IN ADDITION ON A SECOND FOR OFFENCES IN COL. 1 8, ACT VI OF 1864.

WHIPPING IN ADDITION TO OTHER PUNISHMENT ON A SECOND CONVICTION FOR THE OFFENCES DETAILED BELOW UNDER SECTION 4, ACT VI OF 1864.*

10			11			12			13	14	15			16			17			18			19		
Persons flogged.											No. of Persons flogged.														
Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	NATURE OF THE OFFENCE.	Section of the Indian Penal Code.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
Tavoy.			Mergui.			Shwè-gyeen.					Am-herst.			Maul-main.			Tavoy.			Mergui.			Shwè-gyeen.		
									1. Giving or fabricating false evidence	193															
									2. Do. with intent to procure conviction of a capital offence	194															
									3. Do. do of an offence punishable with transportation or imprisonment	195															
									4. Falsely charging any person with having committed an unnatural offence.....	211 & 377															
									5. Assaulting or using criminal force to any woman with intent to outrage her modesty.....	354															
									6. Rape.....	375															
									7. Unnatural offences	377															
									8. Robbery or Dacoity	390 & 391															
									9, Attempt to commit Robbery...	393															
									10. Voluntarily causing hurt in committing Robbery	394															

1	2	WHIPPING IN LIEU OF OTHER PUNISHMENT UNDER SECTION 2, ACT VI OF 1864												WHIPPING IN LIEU CONVICTION SECTION			
		3			4			5			6			7			8			9		
		No. of persons flogged.																No. of		
NATURE OF OFFENCE.	Section of the Indian Penal Code.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
		Amherst.			Maulmain.			Tavoy.			Mergui.			Shwègyeen.			Amherst.			Maulmain.		
10. Do. by night.	444 & 446										2											1
11. Assault.	354						1															
12. Causing hurt..... ...	323																					
13. Abusing the Judge.....																						
TOTAL . ..			2				4				1	4		1	2						3	4

MAULMAIN.
Commissioner's Office.
The 3rd March 1869.

(*Continued*)

OR IN ADDITION ON A SECOND FOR OFFENCES IN COL. 1 8. ACT VI OF 1864									WHIPPING IN ADDITION TO OTHER PUNISHMENT ON SECOND CONVICTION FOR THE OFFENCES DETAILED BELOW UNDER SECTION 4, ACT VI OF 1864																		
10			11			12			13	14	15			16			17			18			19		
Persons flogged.									NATURE OF THE OFFENCES.	Section of the Indian Penal Code.	No. of Person flogged														
Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.			Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
Tavoy.			Mergui.			Shwè-gyeen.					Am-herst.			Maul-main.			Tavoy.			Mergui.			Shwè-gyeen.		
									11. Habitually receiving or dealin stolen property	413																
									12. Forgery	463															
									13. Do. of a document	466															
									14. Do	467															
									15. Do. for the purpose of cheating	468															
									16. Do. do. of harming the reputation of any person	469															
									17. Lurking house trespass or house breaking	453 & 445															
									18. Do. by night.	444 & 446															

E. M. RYAN, LIEUT.-COLONEL,
Officiating Commissioner, Tenasserim Division, of British Burma.

B.

CASES of Juvenile Offenders punished with Whipping under Section 5, Act VI of 1864, *in the Tenasserim Division of British Burma for the year* 1868.

Districts.	Nature of Offence.	Section of the Indian Penal Code.	No. of Persons flogged.		
			Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
Amherst	None	...	...	...	...
Maulmain	Theft	380	...	...	1
Tavoy	None	...	...	...	...
Mergui	Do.	...	...	...	...
Shwe Gyeen	Do.	...	...	...	...
	Total.....		...	...	1

MAULMAIN,
Commissioner's Office,
The 3rd March 1869.

E. M. RYAN,—*Lieut.-Colonel.*
Offg. Commissioner, Tenasserim Division of B. B.

BENGAL SECRETARIAT

C.

APPEALS under the Whipping Act in the Tenasserim Division of British Burma during the year 1868

1	2	3	4	5	6	7	8	9
	APPEALS FROM ORDERS PASSED UNDER ACT VI OF 1864.							
FROM THE ORDERS OF THE MAGISTRATES OF	Pending at the close of 1867.	Preferred during the year 1868.	Total.	Appeals rejected.	Orders confirmed.	Orders modified or reversed.	Pending at the close of the year.	Longest period in days during which any undecided case has been pending.
Amherst	...	...	...	...	...	...	...	...
Maulmain ...	...	...	...	...	...	...	...	...
Tavoy	...	...	...	...	...	...	...	...
Mergui	...	...	...	...	...	...	...	...
Shwe Gyeen ...	...	...	...	...	...	...	...	...
TOTAL.....	...	...	...	...	...	...	...	...

MAULMAIN,
Commissioner's Office, The 3rd *March* 1869.

E. M. RYAN,—*Lieut.-Colonel.*
Offg. Commissioner, Tenasserim Division of B. B

British Burma.

HOME DEPARTMENT.

(JUDICIAL.)

REPORT ON CRIMINAL JUSTICE,

FOR

1869.

PRINTED AT THE CHIEF COMMISSIONER'S OFFICE PRESS—RANGOON 1870.

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MEMORANDUM

BY

MAJOR GENERAL A FYTCHE, CHIEF COMMISSIONER, BRITISH BURMA,

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE, FOR 1869.

STATE OF CRIME.

The following Statement shows the total number of offences ascertained to have been committed during the years 1868 and 1869:—

		1868.	1869.
Non-bailable		8,114	9,264
Bailable	Punishable under Indian Penal code	10,561	12,685
	Special or Local Law	3,229	4,308
		21,904	26,257

2. Non-bailable offences which form the real criminality of the Province, shew an increase of 14 per cent, while the increase in population was only 3.02 per cent. The increase, although large, is chiefly confined to cases of theft, which increased in the Pegu Division from 4,530 in 1868, to 7,024 in 1869. In the Arakan Division the total number of non-bailable offences ascertained to have been committed, decreased by 159 or 16 per cent, the decrease being general to all the districts. The town of Akyab alone shewed a slight increase over the previous year, which is attributed by the Magistrate to the distress caused by the Cyclone, and the subsequent prevalence of Cholera.

3. The Chief Commissioner is glad to perceive that this general decrease in non-bailable offences in this Division is attributed to more vigorous action on the part of the Police, and to a more stringent enforcement of the provisions of Sections 295 and 296 of the Criminal Procedure Code.

4. In the Pegu Division, although theft has largely increased, the more serious offences of robbery and dacoity shew a decrease of nearly 27 per cent. In the Rangoon district alone has this class of crime shewn no tendency to diminish. Non-bailable offences increased altogether from 5,430 in 1868 to 7,020 in the year under review, an increase of 1,590, but of this increase 1,481 were cases of theft. The Chief Commissioner observes that cattle theft forms a very large proportion of the increase, and this is a crime which does not, as a rule, follow on an increase of population, but is more generally the result of lawless habits on the part of the people, and should be classed among the more serious offences.

5. In the Tenasserim Division non-bailable offences have decreased from 1,711 to 1,426, or 16 per cent. The decrease is general, and spread over each class of offence. Bailable offences have increased 22 per cent, chiefly under the heads of petty assault and insult. The increase is principally confined to the Pegu Division.

BUSINESS BEFORE THE COURTS.

6. The following Statement shews the number of persons brought to trial as compared with the preceding year :—

Year.	Pending trial on 1st January.	Persons brought to trial during the year.		Total number of persons brought to trial.	Remarks.
		Non-bailable offence.	Bailable offence.		
1868 ...	268	6,638	27,630	34,536	
1869 ..	299	7,499	33,956	41,754	

7. The increase in the number of persons brought to trial for non-bailable offences is 861 or 12·9 per cent, while the increase in the number brought to trial for bailable offences under the Indian Penal Code and Special and Local Laws was 6,326 or 22·8 per cent in excess of the previous year.

8. The number of persons awaiting trial at the end of the year was 479 to 298 in the previous year. The number was high in the following districts:—

	Persons.
Rangoon Town	166
Rangoon District	57
Prome ditto	46
Amherst ditto	131

9. The oldest pending cases were in the districts of Bassein and Shwè-gyeen, but in no other were there any cases pending for more than 2 months. The delay in the Bassein district is attributed to a change in the Deputy Commissionership, whereby the district was left for three months in charge of the Assistant Commissioner, who was not invested with powers to try all cases. No reasons are given for the delay in the Shwè-gyeen district.

10. The average duration of trials in the several Divisions was as follows:—

	Days.
Arakan	4·3
Pegu	5·0
Tenasserim	4·3

The average for the whole Province being 4·90 days.

11. The duration has increased in the following districts:—

	Days.
Rangoon	9
Amherst	8
Akyab	6

12. The delay in the Courts of the Deputy Commissioner and Assistant Commissioner at Rangoon is ascribed to various causes, and partially to omissions on the part of the Police to send in witnesses; but it is for the Courts to see that the Police do their duty in this respect, the remedy lay in their own hands, and the delay cannot be explained otherwise than to a want of energy on the part of the presiding Officers.

13. There are no reasons given for the delay in the Amherst district. The Deputy Commissioner of Akyab gives the following explanation:—

"The duration of cases in Akyab district is greatly affect-
"ed by the difficulty of serving summons for attendance of

" witnesses. Owing to the travelling being all performed by " water, sometimes, and not unfrequently over stormy arms " of the sea, by a scanty Police force employed to the utmost " strain of their energies, service of process is very tardy ; and " thus the duration of cases is frequently out of the control of " the Judge."

14. The improvement that has taken place in the Myanoung district is creditable to Captain Plant, the Deputy Commissioner.

15. The number of witnesses who attended the Magistrates' Courts has increased from 41,328 to 53,092 ; the average number of witnesses examined in each case being 2.4 against 2.3 in the previous year. Of the total number who attended 84 per cent were discharged on the 1st day, 10.24 per cent on the 2nd day and 3.50 per cent on the 3rd day; while the remainder, or 2.26 per cent, were detained for periods varying from 4 to 30 days.

16. The delay in discharging witnesses after 4 days was greatest in the following Districts where the per centage was as below noted :—

	Days.
Rangoon	3.37
Bassein	4.8
Myanoung	3.3

17. The following Statement shews the number of persons brought to trial, and the number convicted and committed as compared with 1868 :—

Years.	Total number of persons brought to trial.		Total.	Convicted.	Committed.	Per centage of convictions to persons tried.	Per centage of committals to persons tried.
	Bailable.	Non-bailable.					
1868 ...	27,630	6,638	34,268	18,936	148	55·25	·43
1869 ...	33,956	7,499	41,455	21,868	284	52·50	·68

18. The increase in the number of persons brought to trial has occurred both in bailable and non-bailable offences.

19. The increase in non-bailable offences has already been explained in para 4; but as regards the increase in bailable no reasons are given by Commissioners, nor is it possible from the general returns to ascertain in what class of offences the increase has been greatest.

20. In non-bailable offences the proportion of convictions and committals to persons brought to trial was 68.38 per cent against 54.58 in 1868, while the proportion in bailable offences was 51.46 per cent to 54.58 in the preceding year.

21. None of the Honorary Magistrates have disposed of any cases during the year. No reasons are given by the District officers.

22. The following Statement shews the number of persons committed to the Sessions and convicted for non-bailable offences as compared with 1868:—

Years.	Committed including those pending from previous years.	Convicted.	Per centage of convictions to committals.
1868 ..	158	100	63
1869 ...	172	123	71

23. The total amount of fines was Rs. 2,51,946 against Rs. 2,39,436 in 1868. The per centage realized being 71.17 or 2.40 more than in the preceding year.

24. By Act VIII of 1869, fines may now be levied by distress and sale of any moveable property that may be found belonging to the offender. There should, therefore, be a large increase in future years in the per centage of fines realized. Compensation to the amount of Rupees 15,152 was ordered to be paid under Section 44 of the Criminal Procedure Code. This is Rs. 895 less than in the preceding year, but the amount actually paid was 3.8 per cent greater than in 1868.

25. 157 Prisoners were sentenced to Whipping during the year, of whom 105 were adults, and 52 juveniles; 129 were whipped on 1st conviction in lieu of other punishment; and 28 on 2nd conviction in lieu of other punishment.

26. There has been an increase in the number of persons charged with bad livelihood under Sections 295 and 296, of the Criminal Procedure Code. The most numerous being in the following districts:—

Rangoon
Myanoung
Prome
Ramree
Shwè-gyeen.

27. The procedure adopted by Captain Plant of making his Subordinate Magistrates take down the evidence in cases of bad livelihood is irregular. These cases can as a rule be disposed of by Deputy Commissioners when visiting the interior of their Districts, and the disadvantages urged of bringing witnesses long distances to the Magistrate's Court to give evidence, can thus be easily avoided.

COURTS OF SESSION.

28. In trials before the Sessions Courts there has been an increase in the Pegu and Arakan Divisions and a decrease in Tenasserim. Including 24 persons awaiting trial on the 1st January, there were altogether 172 persons for disposal during 1869, or 14 more than in 1868. The manner in which they were disposed of is shewn in the following comparative Statement:—

Year.	No of persons for trial.	Convicted.	Acquitted.	Referred to Chief Court.	Died or otherwise disposed of	Pending at the end of the year
1868	158	100	24	8	2	24
1869	172	123	25	3	5	16

29. There were 13 cases and 16 persons pending trial at the end of the year against 8 cases and 24 persons in 1868. The increase is in the Tenasserim Division and is partly due to a misapprehension on the part of the Government Advocate.

The difficulty has however now been removed and the cases are all disposed of.

30. The average duration of cases in the Sessions Court of Arakan was 55 days against 52 in 1868. There has been a marked improvement in the Pegu Division which shows an average duration of 34½ days against 46½ days in the previous year. In Tenasserim it was 52 days in 1869. The still long duration in the Arakan Division is principally due to the greater press of work, the number of cases tried being more than equal to the total of Pegu and Tenasserim.

31. The following Statement shows the nature of punishments awarded as compared with the previous year :—

Punishment.	1868.	1869.	Per centage.	
	No.	No.	Increase.	Decrease.
Death	15	9	...	40
Transportation	54	37	. .	31
Rigorous imprisonment ..	39	78	100	..

32. Regarding the aid given by Assessors in the disposal of cases, the Commissioner of Arakan records the following unfavorable remarks :—

"Assessors are in my opinion of no real use to Dis-
"trict Officers in trying cases under their special powers:
"and my experience as Sessions Judge, is that they are of no
"use to me as Sessions Judge except possibly as aiding to
"give a show of greater formality, and perhaps dignity to the
"proceedings in a trial for Murder or Culpable Homicide."

33. In Tenasserim the Commissioner states that in all trials the Court agreed with the opinion of the Assessors. The Commissioner of Pegu offers no observations on the efficiency or otherwise of the Assessors; but the procedure to be adopted in trials with Assessors appears now to be clearly understood.

34. The total amount of fines imposed by Sessions Courts was Rs. 3,000, against Rs. 1,000 in 1868.

APPEALS.

35. The number of appeals preferred to the Sessions Courts during the year, and the manner in which they were disposed of are shewn in the following Statement:—

Courts.	Years	Total No. of cases.	Disposed of on trial.			Otherwise disposed of.	Pending.
			Confirmed.	Reversed.	Modified.		
Sessions	1868	233	146	30	25	31	1
	1869	183	106	28	16	27	6

GENERAL REMARKS.

36. The principal point calling for remark is the increase in the crime of cattle theft, which appears to have been general to all the districts of the Pegu Division.

37. The crimes which require to be carefully watched by District Officers are increase in cattle theft which is often followed by an outburst of dacoity. The Chief Commissioner desires that this class of offence shall in future returns be shewn separately from that of ordinary theft. A statement should also if possible be submitted with next year's reports shewing the increase and decrease in this crime in each division during the past five years.

38. In the Pegu and Arakan Divisions where an enhanced rate of pay was sanctioned for the lower grades of Police, District Officers with one exception are unanimous in their opinion that the working of the Police has improved; this is also borne out by the general decrease, with the exception of theft, in all non-bailable offences. This result is satisfactory, and the Chief Commissioner trusts that as a better class of men are now obtainable, the efficiency and *morale* of the Police will continue to improve. The majority of officers report that the Stamp Act has had no effect in reducing the number of complaints in petty offences; and prosecutions for assault and insult have considerably increased. The withdrawals and compromises in non-bailable cases brought to notice by the Deputy Commissioner of Akyab were highly irregular; but as the Commissioner of Arakan has already taken steps to prevent a recurrence of these errors, further remarks are unnecessary. The more vigorous action of the Courts in enforcing the provisions of Sections 294 and 295 of Act XXV of 1861, has been attended with marked beneficial results, and there can be no doubt that

if precautions are taken to enforce the provisions of the law in this respect, the measure will have a deterrent effect on crime generally.

39. The most important change of law during the year was the repeal of Act XV of 1862, and the introduction of Act VIII of 1869. The procedure now laid down by Sections 445 A. B. C., does not authorise Magistrates of Districts to take cognizance of certain offences unless committed to them by the Subordinate Magistrates. As this involves a double trial some Officers are of opinion that it will not work so well in British Burma, as the old system which allowed a Deputy Commissioner to try and decide a case in a single trial. It is however premature to offer any remarks on this alteration in the law which had scarcely come into operation at the close of the year. Some other Acts of the Legislature, such as the Prisoners' Testimony Act, the European Vagrancy Act, and an Act for the appointment of Justices of the Peace came into force during the year, but require no special comment.

40. In conclusion the Chief Commissioner specially acknowledges the services of the following Officers:—

Lieut. Colonel Horace Browne, Major A. G. Duff, Captain W. C. Plant, Captain W. W. Pemberton, Mr. W. de C. Ireland, Mr. G. E. Barr, Mr. C. J. F. S. Forbes, Captain R. C. Evanson, Mr. C. D. C. Lloyd, and Lieut. M. C. Poole.

RANGOON,
29th November 1870.

REPORT

OF THE

SESSIONS JUDGE OF ARAKAN,

FOR 1869.

From Lieutenant Colonel J. F. J. STEVENSON, Commissioner of Arakan, to the Secretary to the Chief Commissioner of British Burma, Rangoon, No. 148 of 1870, dated Akyab, the 4th May 1870.

I have the honor to submit my Report on Criminal Justice for the Arakan Division for the year 1869.

SECTION III.

CRIMINAL JUSTICE.

No I General Statement for year 1869
" II Statement showing degrees of punishment
" III Appeals preferred during 1869
" IV Persons punished and acquitted by Sessions Court in 1869
" V Sentences of death in 1869
" VI Trials and Proceedings called for by Sudder Court in 1869.
Form A Sessions Cases & Appeals, Commissioner's Court in 1869
" C. Appeals from Whipping orders Do Do
" D. Duration of Sessions cases in 1869.

MAGISTRATES COURT

" A. Whipping Cases under Act VI of 1864 in 1869.
" B Statistics of Criminal Justice in 1869
" C Duration of Cases and detention of witnesses in 1869
" D. Number of cases brought to trial and disposed of in 1869

Magistrates' Statements I to VIII with Whipping Returns A and B in original, for Akyab, Akyab Town, Ramree, Sandoway and Northern Arakan

1. The Annual Criminal Statements of this Division for the year 1869, shown on the margin accompany this Report.

2. The Office of District Magistrate was held in each District during the year as shown below :—

I.—AKYAB DISTRICT.

Major E. J. Spilsbury, from 1st January to 10th June.

Captain C. O. L. Prendergast, Officiating Deputy Commissioner, from 11th June to 10th August.

Mr. W. DeCourcy Ireland, Officiating Deputy Commissioner, from 11th August to end of the year.

II.—AKYAB TOWN.

Lieutenant G. Strover, Magistrate, from 1st to 29th January.

Mr. C. D. C. Lloyd, Assistant Commissioner in charge, from 30th January to 9th April and from 30th April to 4th June.

Moung Shwè Taw, Extra Assistant Commissioner 2nd class in charge, from 10th to 29th April.

Mr. J. Treacy, Magistrate, from 6th June to 16th August.

Captain C. O. L. Prendergast, from 17th August to end of the year.

III.—RAMREE DISTRICT.

Captain W. C. Plant, from 1st January to 8th March.

Mr. J. Hind, Assistant Commissioner in charge, from 9th March to 10th September 1869.

Mr. J. K. Macrae, Deputy Commissioner, from 10th September to end of the year.

IV.—SANDOWAY DISTRICT.

Captain W. W. Pemberton, from 1st to 7th January.

Mr. J. K. Macrae, from 8th January to 31st August.

Mr. J. Treacy, from 1st September to end of the year.

V.—NORTHERN ARAKAN.

Mr. J. C. Davis, Superintendent, from 1st January to 17th November.

Captain C. A. Munro, Officiating Superintendent, from 18th November to end of the year.

3. The following Officers exercised Magisterial powers in each District in addition to the above:—

I.—AKYAB DISTRICT.

Honorary Magistrate. Doctor J. W. Mountjoy, Honorary Magistrate of full powers Poungdaw byeng, from 1st to end of January.

Assistant Commissioner Mr. J. Hind, Assistant Commissioner Akyab, exercising the powers of a full Magistrate from 1st January to 1st March when he was removed elsewhere.

Subordinate Magistrate 2nd Class Mr. C. D. C. Lloyd, 2nd Assistant Commissioner Akyab, Subordinate Magistrate 2nd class, from 1st to 31st January.

The functions of the Court of the 2nd Assistant Commissioner ceased from 31st January to 9th August when the business of the Court was resumed by Mr. Duke, Assistant Commissioner, Subordinate Magistrate 2nd class, on the 9th of August and continued to the 6th of November.

Moung Shwè Taw, Extra Assistant Commissioner 2nd class, Subordinate Magistrate 2nd class, from 7th to 23rd November.

Mr. W. C. Midwinter, Officiating Assistant Commissioner 2nd class, Subordinate Magistrate, received charge on the 24th November; but this Officer not having any Criminal powers whatever the functions of the Court were again in abeyance up to the end of the year.

Extra Assistant Commissioner

Moung Kulla, (1st), Extra Assistant Commissioner 1st class, Naaf, throughout the year.

Moung Pha Phroo, Extra Assistant Commissioner 3rd class, Myohoung, throughout the year.

Moung Htoon Oo, Extra Assistant Commissioner 3rd class, Rathaidoung, throughout the year.

Moung Shwè Bwen, Extra Assistant Commissioner 3rd class, Akyab, from 8th March to end of the year.

Moung Kulla, (2nd), Extra Assistant Commissioner 3rd class, throughout the year.

Moung Hnin, Extra Assistant Commissioner 3rd class, Oorettoung East, throughout the year.

Moung Being, Extra Assistant Commissioner 3rd class, Oorettoung West, throughout the year.

Aga Abass Ally, Extra Assistant Commissioner 3rd class, Koladan, from 27th February to end of the year.

Akyab Town.

Doctor J. W. Mountjoy, Superintendent of Gaol, exercising the powers of a full Magistrate within the precincts of the Gaol throughout the year.

II.—Ramree District.

Subordinate Magistrate 1st class

Moung Shwè Daik Kay, Extra Assistant Commissioner 1st class, Kyouk Phyoo, 1st Class Subordinate Magistrate throughout the year.

Moung Na Hto Shwè, Extra Assistant Commissioner 3rd class, Ramree, throughout the year.

Subordinate Magistrate 2nd class

Moung Hla Htoon Oung, Extra Assistant Commissioner 3rd class, Aeng, throughout the year.

Moung Phoung Tha Oo, Extra Assistant Commissioner 3rd class, Cheduba, throughout the year.

III.—Sandoway District.

Moung Tha Doway, Extra Assistant Commissioner 2nd class, (Tsetkay) Sandoway, throughout the year.

Subordinate Magistrate 2nd class

Moung Shwè Boo, Extra Assistant Commissioner 3rd class, Northern Division, throughout the year.

Subordinate Magistrate 2nd class

Moung Kya Oung, Extra Assistant Commissioner 3rd class, Southern Division, throughout the year.

IV.—Northern Arakan.

Moung Ouzazan, Assistant Superintendent, exercising the powers of a 2nd class Subordinate Magistrate throughout the year.

4. In this Division the number of Crimes ascertained to have been committed in Non-Bailable offences stood thus for the last 2 years —

State of Crime

Non-Bailable.	1868.....	959
	1869.....	833
	Decrease.....	126

The above shows that there was a decrease of 126 or 15 per cent in the number of reported crimes in Non-Bailable offences. This decrease took place in almost all the Districts of the Division.

Akyab District.

5. In this District there were 208 offences ascertained to have been committed against 262 in the previous year. This took place under all the heads. The crime of Culpable Homicide remained the same; Murder with Dacoity, Rape, Receiving stolen property and House Trespass all fell. There was a considerable falling off in the crime of Theft. The crime of Dacoity fell from 17 in 1868, to 2 in 1869.

In the crime of Murder alone there was an increase from 7 in 1868, to 13 in 1869. With regard to this increase, the Deputy Commissioner of Akyab states as follows :—

"The greatest difficulty arises in accounting for the in-
"crease or decrease of the crime of Murder when it is uncon-
"nected with other crime : such as Robbery, Theft &c., or when
"it is not, to all appearance, induced by any external disturb-
"ing cause. Murders are as a rule, perpetrated by persons
"who are not at all under the observation of the Police and
"by persons who are not otherwise criminal, and it is there-
"fore, ordinarily speaking, totally beyond the power of the
"Police to check their commission.

"A person engaged in the most ordinary pursuits of life,
"with his friends, or fellow labourers suddenly rises up and in
"the heat of passion cuts down a man.

"A husband gets in a rage with his wife, and cuts her
"down, or beats her to death.

"In fine, the Murders with few exceptions have arisen
"in connection with the ordinary daily avocations of the peo-
"ple ; and there is no great or prominent cause such as fanati-
"cism or the like, apparent, and by dealing with which their
"crime could be sensibly lessened.

"Under the circumstances the most then, that can be
"expected of the Police is to detect murders when committed,
"and sometimes even the detection is surrounded with great
"difficulty."

I have only to add that it is an undisputed fact that mere occasional murders unattended with other crimes do not by any means prove that violent crime is rife.

The Arakanese are perhaps from temperament swift to shed blood, but our murders are not like the systematic agrarian slaughters of Ireland, nor the murders of the gang robbers of India.

With regard to the decrease in Non-Bailable crimes in general, the Deputy Commissioner of Akyab states that "such a
"decrease is eminently satisfactory ; and evidences an acquain-
"tance with the Criminal classes, and a control over them high-
"ly creditable to the small Police force engaged."

I am happy to be able to concur in these remarks. Captain Munro, the Superintendent of Police, has a very good

knowledge of the people and controls his force with steady care and zeal.

AKYAB TOWN.

6. In the Akyab Town there was a slight increase of crime and the Town Magistrate of Akyab attributes this to the following cause :—

"In reviewing the past year, with the exception of the "one case of Murder, crime may be said to have very slightly "increased, owing no doubt to the Cyclone and Cholera, which "caused much ruination, want and distress, at the time, as "well as leaving their traces, from which, the inhabitants "have scarcely quite recovered even now though it is more "than 6 months ago, since Cholera disappeared from the "Town."

RAMREE DISTRICT.

7. In Non-Bailable offences in this District there was a falling off under all the heads but the following; simple Dacoity, Dacoity with Murder and Robberies. The Deputy Commissioner attributes this increase in violent crimes principally to the instigation and evil influence of one Moung Oo Phroo who caused some trouble in the District a few years back by pretending to be a Meng Loung and who has been skulking about this and the Akyab District since then. His proceedings caused some little panic in Ramree in the end of this year and the Commissioner proceeded to the part of the country where he was in hiding with his followers. A few vigorous measures such as turning out the villagers to hunt him up, and dismissing some Officials for negligence, soon broke up his gang; and he is supposed to be dead.

With regard to the decrease of crime in general the Deputy Commissioner says :—"this is owing to there having been "a smaller number of Thefts, the number ascertained to have "been committed being 233 against 337 in 1868. The large "increase in that year was attributed to the recent establish-"ment of Opium Farms in the District and the present im-"provement may be set down partly to the vigorous enforce-"ment of sections $\frac{295}{296}$ of the Code of Criminal Procedure requir-"ing notorious thieves and bad characters to give security for "their good behaviour."

I must add that I think an undue weight is generally attached by District Officers to the operation of Opium Farms.

Where Opium is used and must be had though it be obtained by smuggling, Farms should do no harm. I have over and over again observed that in our anxiety to explain all increases and decreases we generalize and even guess too much.

Sandoway District.

8. In this District the crimes of Murder and Culpable Homicide, Theft and House Trespass fell, but a slight increase exists in Robbery and Dacoity and receiving stolen Property.

With regard to the increase in the crime of Dacoity the Deputy Commissioner says :—"*The case*" of Dacoity was more strictly speaking one of Highway robbery committed in the Toungoop pass in the Hills by some Shan traders on some Prome traders near the frontiers, none of the people of this District having any thing to do with it.

Northern Arakan.

9. The Superintendent of Hill Tracts has made no remarks on this head.

Considering that there was a reported increase of 1 per cent in the population, the decrease in Non-Bailable offences which shows the real criminality of the population is very satisfactory.

Our Police in these wild tracts are too few to know all that goes on or to make their influence felt. However I am persuaded that we have good general information of crime as many of the tribes and clans are not on friendly terms together and are very ready to report offences against themselves.

10. The number of cases pending, instituted and disposed of in the Division of Arakan was as below: —

Institution and disposal of Cases

	Pending.		Instituted.		Disposed of.		Pending.	
	Non Bailable.	Bailable.	Non Bailable	Bailable.	Non Bailable.	Bailable.	Non Bailable.	Bailable.
1868	5	12	632	1756	625	1764	12	4
1869	12	4	533	1788	543	1785	2	7

The above shows that there were 545 cases under Non-Bailable crimes for disposal against 637 in the previous year, all of which were disposed of during the year with the exception of 2 cases which remained pending at its close against 12 cases in the previous year.

In Bailable offences there were 1792 cases for trial against 1768 cases in the previous year. Of these 7 cases only remained pending against 4 in the previous year, the remainder having been disposed of within the year of Report.

On the whole there were 2337 cases for trial during the year against 2405 all of which were disposed of with the exception of 9 cases only which remained pending at the close of the year against 16 in the previous year. The result is satisfactory.

Non-Bailable

11. The number of persons who in this Division remained over from last year charged with Non-Bailable offences was 18 against 16 at the commencement of 1868: the number of persons brought to trial was 760 against 888, making altogether 778 against 904 in 1868. This decrease results of course from the decrease in crime and took place in every District except North Arakan where the increase was small and calls for no particular remarks. In Akyab Town however there was an increase in offences although a decrease in persons.

Of these 778 persons who were for trial during the year, 435 were convicted in the Magisterial Courts and 44 committed to the Sessions, that is 61 per cent against the same percentage last year.

The number acquitted was 37 per cent against 36 per cent and the number pending trial at the commencement of the year was 3 against 18 in the previous year, namely 2 in the Akyab District and 1 in North Arakan, none of whom were Lunatics.

Akyab District.

12. In the Akyab District the number of persons whose cases were pending at the commencement of the year in Non-Bailable offences was 18 against 14 of last year. The number of persons brought to trial during the year under review for the same offences was 303 against 397 during 1868, aggregating in all 321 against 411 of last year. This decrease is obviously satisfactory.

Of these 321 persons brought up for trial during the year 144 were convicted in the Magisterial Courts and 20 were committed to the Sessions, that is 51 per cent against 54 per cent last year. The number of persons acquitted was 151 against 168 last year being 47 per cent against 40 per cent last year. With regard to this excess in acquittals the Deputy Commissioner gives the following explanation:—

"It is undoubtedly not satisfactory that half the persons nearly sent to trial should have been acquitted. This however is not entirely due to any shortcoming of the Police, as there are some Non-Bailable cases before the Courts, which are not cognizable by Police. There does appear to have been a certain want of care in preparing the cases sent up, and a want of detective ability principally in the interior.

"I attribute the want of success of the Police in the interior as regards investigating cases mainly to the fact that almost all the Superior Officers, and all the European Officers without exception of the Police, were kept at the Head Quarters of Akyab, instead of a certain proportion being stationed in the interior.

"The Criminal work having been entrusted in the majority of cases to ignorant Serjeants probably the result is just what might have been looked for.

"A re-distribution of the Police force has now taken place and better results are anticipated next year."

This re-distribution was carried out by the Commissioner in concert with the District Officer in the beginning of 1870: it has been a thorough revision of allotment and has given the Akyab District as distinguished from the city of Akyab an ample proportion of Superior Officers.

"In Non-Bailable cases alone, the District Court has had more than a due share of the Criminal work of the District thrown on it.

"Of 121 cases instituted, 66 cases or 35 cases of every hundred were decided by the District Court and of the persons before the Courts 197 in number, 122 were before the District Court or 61 in every hundred persons arraigned.

"It will be seen above that the only Court with powers above those of a Subordinate Magistrate of the lowest Class ceased to exist on the 1st March.

" From that date up to 9th August or nearly 6 months " the Deputy Commissioner was left without any European " Assistant Magistrate whatever.

" Independently of the strain in the District Magistrate's " powers in his own District, Lieutenant Colonel Spilsbury " was in charge of the Magistrate's Office from 22nd March to " 6th June 1869.

" An Assistant Magistrate who took charge in August " had only Magisterial powers of the 2nd grade: and after his " relief an Assistant Magistrate was sent who had not been " gazetted for any criminal powers, and his Court was con- " sequently unemployed till the end of the year."

Every effort was made to obtain efficient aid to the District Magistrate, but the Commission was so short-handed at the time that Officers were not to be had.

The number of persons pending trial at the commencement of the year was 2 against 18 in the previous year. These 2 were not Lunatics.

Akyab Town.

13. Regarding the Non-Bailable offences of the Town of Akyab there were none pending at the close of the year in question, whereas last year shows 2, and the number of persons brought to trial during 1869 was 148 against 155 in 1868; the total being 148 against 157. There were no persons tried by the Superintendent of Gaol as Magistrate within its precincts in Non-Bailable offences. The decrease in the number of persons with an increase in the number of cases, is owing to the small number of persons concerned in crimes brought to trial. Of the 148 persons brought to trial there were 84 convicted, 2 committed to the Sessions, that is, 58 per cent against 56 per cent last year; 61 acquitted against 69, being 41 per cent against 44 in the previous year. There were none pending at the close of the year.

Ramree District.

14. As to Non-Bailable offences of the Ramree District for the year 1869 in comparison with the year 1868, the number of persons brought to trial during the year under review was 222 against 244 in the previous year.

The Deputy Commissioner attributes this improvement as before stated partly to the rigorous enforcement of Sections $\frac{295}{296}$ of the Criminal Procedure Code

Of the number 222 brought to trial during 1869, 146 were convicted in the Magisterial Court against 176 during 1868, and the number committed to the Sessions was 18 against 1 of the previous year, both convictions and committals being 73 per cent against 72 per cent. The Deputy Commissioner has offered no remarks on this increase in the number of committals. The number acquitted in 1869 was 58 which is 26 per cent against 27 per cent last year, a good result. There were no persons pending trial at the commencement of the year in Non-Bailable offences.

Sandoway District.

15. Reviewing the Non-Bailable offences of the Sandoway District, there were no persons pending trial at the commencement of either year. The number of persons brought to trial during 1869 was 71 against 81 in 1868 showing a decrease of 10. The Deputy Commissioner shews that this is owing to a decrease in crime. Of the 71 persons brought to trial 52 were convicted in the Magisterial Courts and 2 committed to the Sessions. This is 76 per cent against 67 per cent of last year, a satisfactory result. The number acquitted was 17 against 26 in 1868. There were no persons under trial at the close of both the years under comparison.

Northern Arakan.

16. The number of persons brought to trial under the head Non-Bailable offences in 1869 was 16 against 11 last year. Of the number brought to trial 9 were convicted against 6; 2 were committed to the Sessions against 3 the previous year, and 4 were acquitted against 2. The number of persons awaiting trial at the close of the year under review was one to none in the previous year.

17. In Bailable offences in this Division there were 3,671 persons for trial against 3,404 in the previous year. The increase is 267 or 7 per cent. Of these 2,503 or 68 per cent were convicted and only 1 committed to the Sessions. The number acquitted was 1,148 or 31 per cent leaving 17 pending at the close of the year, of this 2 were Lunatics.

Bailable Offences

Akyab District.

18. In this District there were 1,653 persons for trial against 1,658 in the previous year. The decrease is very trifling Of these 1,077 or 65 per cent were convicted and

only 1 committed to the Sessions. The numher acquitted was 560 or 33 per cent leaving 13 pending at the close of the year. The Deputy Commissioner says as follows:—

"The working of the Courts as regards Bailable cases is "considered praise-worthy.

"All the cases pending were in the Court of the Extra "Assistant Commissioner of the Ooyittoung East Township. "They were all instituted on the 23rd December, and were "therefore unavoidably pending, the Courts having closed "on the 24th.

"In addition to the large number of Non-Bailable cases "before the District Magistrate's Court, there were of Bailable "cases before it in the year 74 cases involving 112 persons.

"With the exception of Bad livelihood and Gambling no "Bailable cases punishable under Local laws call for special "mention."

AKYAB TOWN.

19. In the Town of Akyab which includes the persons tried and punished by the Superintendent of Gaol as Magistrate within its precincts, there were 769 persons for trial against 687 in the previous year. The increase is by 82 or 11 per cent. Of these 542 persons or 70 per cent were convicted and none committed. The number acquitted was 225 or 29 per cent leaving 2 pending at the close of the year. These, the Magistrate says, are Lunatics forwarded by him and now confined in the Rangoon Central Prison.

Under this head the Magistrate of Akyab says as follows:—

"Bailable offences under the Indian Penal Code increas- "ed during the year under review. They are chiefly cases of "assault and insult. The Town Magistrate's Court being "situated close to where Natives of India reside, the most tri- "vial cases of insult, assault and abuse are brought up by this "class of people. These cases though appearing under their "proper heads to have considerably increased will be found "actually to have decreased in number brought to trial in con- "sequence of the numerous compromises and non-appearance "of complainants. Offences under special or Local laws have "slightly increased during the year".

RAMREE DISTRICT.

20. In the Ramree District there were 722 persons for trial against 623 in the previous year The increase is 99 or

15 per cent. Of these 572 persons or 79 per cent were convicted and none committed. The number acquitted was 148 or 20 per cent leaving 2 pending at the close of the year. The Deputy Commissioner gives no remarks under this head.

SANDOWAY DISTRICT.

21. In the Sandoway District there were 455 persons for trial against 422 in the previous year. The increase is 33 or 7 per cent. Of these 260 persons or 57 per cent were convicted and none committed. The number acquitted was 195 or 42 per cent leaving none pending at the close of the year. The percentage of acquittals is not good while it has been seen that in the other Districts it has been satisfactory in this class of offences. With regard to the increase in the number of persons brought to trial under this head the Deputy Commissioner says that it is impossible to account for it.

NORTHERN ARAKAN.

22. In the North Arakan District there were 72 persons for trial against 16 in the previous year. The increase is 56 or 350 per cent. Of these 52 persons or 72 per cent were convicted and none committed. The number acquitted was 20 or 27 per cent leaving none pending at the close of the year. No remark has been offered by the Superintendent of Hill Tribes under this head regarding this great increase of persons brought to trial.

It is undoubtedly owing to the more steady and regular working of our Courts in the Hills, there having been two Courts instead of one, as formerly, last year.

Sessions Court.

23. The number of cases which came before the Sessions Court in this Division during the year was 19 in which 35 persons were involved, against 13 cases of 28 persons last year. Of these, 30 persons were convicted, 2 persons were sentenced to death, and their cases referred to the Chief Court for confirmation, 2 persons were acquitted leaving 1 pending at the close of the year.

There is a discrepancy between the Magistrates' Return as exhibited in Statement B which gives 45 persons as committed to the Court and the Sessions Court Return which gives only 35 persons.

This is to be attributed to a great number of persons

committed in cases at the close of 1869, received in the Court at the commencement of 1870, and entered in the Register of that year.

Statement B

It would appear on a comparison of the Magistrates' Returns that in the year 1869, 18 more persons were committed than in 1868. This is attributable to the introduction of Act VIII of 1869, which modifying the procedure followed under Act XV of 1862, does not authorize the Magistrates of the District to take cognizance of certain offences triable by the Court of Sessions unless committed to them by the Subordinate Magistrates, consequently a number of cases which the District Magistrates specially empowered would have taken up before the introduction of the revised Procedure Code under their special powers had to be committed to the Court of Sessions.

Duration of Cases.

24. The total number of cases decided in this Division was 2,327 against 2,390 in the previous year. The average duration of each case was 4·30 against 3·75 days last year. No less than 1,327 cases were decided in one day against 1,466 in the year 1868. The increase in the duration is more than can be satisfactorily accounted for by the increase of cases, but it is not considerable. The duration in Sandoway was the same this year as last. The number of witnesses examined was 6,756 against 7,672 in the previous year, and 5,995 were detained one day only against 7,271; 459 witnesses were discharged on the 2nd day against 281 in the previous year, and 302 witnesses were detained beyond the 2nd day against 120 in the year 1868.

Akyab District.

25. The number of cases decided in this District was 940 against 1,037 in the previous year. The average duration of each being 6·45 against 5·84 of last year. This excess duration in the year under Report is thus explained by the Deputy Commissioner:—

"The longest average duration was in the Court of the "District Magistrate and of the Magistrate with full powers, "Mr. Hind, both being 18 days, and the shortest duration was "in the Court of the Extra Assistant Commissioner Naaf, it "being only 2 days. The duration of cases in the Court of "the District Magistrate is excessive. It is entirely due to the "want of proper assistance afforded to the District Magistrate.

" It has been pointed out in paragraphs numbers 42 and " 43 that for 6 months he had no assistance whatever, and " that not only so, but he had the work of another Court " thrown on his shoulders for some part of the year.

" As the longest duration, namely 29 days, appears oppo- " site my name in the returns, it is necessary to explain that " the cases in which lengthy durations appear against my name " were all arrears from my predecessors.

" Mr. Hind should have disposed of his cases more expe- " ditiously as he had little else to do. He is slow in getting " over his work.

" The duration of cases in Akyab District is greatly affect- " ed by the difficulty of serving summons for attendance of " witnesses. Owing to the travelling being all performed by " water; sometimes and not unfrequently over stormy arms of " the sea, by a scanty Police force employed to the utmost " strain of their energies, service of processes is very tardy; " and thus the duration of cases is frequently out of the control " of the Judge." To these very full and accurate observations of the Deputy Commissioner, Mr. Ireland, I have nothing to add. There were 424 cases decided in one day against 519 in the year 1868. The number of witnesses examined was 2,720 against 3,018 in the previous year. The decrease is attributable to the decrease in the number of cases disposed of; 2,410 witnesses were detained one day only against 2,676, 150 witnesses were discharged the 2nd day against 225 in the previous year, and 160 witnesses were detained beyond the second day against 117 in the previous year.

With regard to the detention of the witnesses the Deputy Commissioner of Akyab remarks as follows:—

" The longest detention in the Court of the District " Magistrate which has had more than three times the business " before it, in all departments, than any of the other Courts, " was in 1868, 7 days, and in the year under review 5 days.

" Witnesses were not detained an undue time in any of " the Courts with the exception of that of the Myooke of " Ooyittoung East.

" 26 witnesses were detained	3	days.
" 11 do.	4	"
" 16 do	5	"

" 2 witnesses were detained 6 days.
" 17 do. 7 "
" 3 do. 8 "

" The Myooke accounts for the delay on the grounds of " his having Civil and Revenue work on hand, and he takes " credit to himself for honestly putting down each day the said " witnesses were detained; and thus he implies that the other " Judicial Officers did not honestly state the days of detention " in their several cases.

" I have reason to think that the delay is solely attribut- " able to the laziness and intemperate habits of the Myooke " himself, and not to either of the causes which he has put " forward. Delay in disposing of witnesses, who are compelled " to come to the Courts is the fruitful cause of the non report- " ing of crime: and the consequent increase of bad characters " who enjoy complete immunity from punishment. Cases " hurried over had better, perhaps, have not been tried at all, " but a reasonable diligence and smartness in disposing of " Criminal cases is certainly one of the first qualities in a Magis- " trate and in that quality Moung Nheng was wholly wanting.

" This Officer has been superannuated from 1st April " 1870."

Akyab Town.

26. The total number of cases decided in the Akyab Town was 546 against 515.

340 cases were decided in 1 day against 364. The average duration of each case was 3.49 against 2.27 days. There were 1,071 witnesses examined against 1,623. Of this, 1,010 witnesses were discharged the 1st day against 1,599, and 60 witnesses the 2nd day against 24, and only 1 witness beyond the 2 day against none in the previous year.

The delay in deciding the cases in the Town Magistrate's Court is thus explained:—

" From the 30th of January, the day on which Lieu- " tenant Strover made over charge to the 4th of June 1869, the " day Mr. Treacy received charge, the office of Town Magis- " trate was in charge of Officers exercising powers of Subor- " dinate Magistrates of the 2nd Class, who merely tried cases " that came under their powers, leaving others to be disposed " of by a full powered Magistrate. There were a few cases " taken up by Major Spilsbury, the Deputy Commissioner of

" Akyab, in addition to his own work, hence the delay in the " average duration of cases in the year under review."

I have to add that it was utterly impossible for Major Spilsbury as District Magistrate of Akyab to do more.

Ramree District.

27. In Ramree the average duration of cases was 2.4 against 1.8 days last year, 513 cases were disposed of against 555; 347 disposed of in 1 day against 387 in the previous year.

The delay in the disposal of the cases in this District is not explained.

The number of witnesses examined was 1952 against 2080 in 1868. Of this number 1622 were discharged the 1st day against 2058, 202 the 2nd day against 22, and 128 beyond the 2nd day against none in the previous year.

The Deputy Commissioner states this increase to be " more " apparent than real owing to more accurate Returns having " been kept from the 1st January 1869, by direction of the late " Deputy Commissioner, Captain Plant, who arranged that " every day from the witness' arrival until his attendance was " dispensed with should be entered in a Register, certified " by the initials of the Magistrate in each case."

The Sessions Judge specially directed the attention of District Magistrates to this point in 1868-69.

Sandoway District.

28. In this District there were 278 cases disposed of against 263. Of this, 186 cases were disposed of in 1 day against 176. The average duration was 2.4 days which was the same as last year.

881 witnesses were discharged the 1st day against 901 and 4 beyond the 1st day against 13 in 1868. On the whole there were 885 witnesses examined against 914 in the previous year.

Northern Arakan.

29. In North Arakan there were 20 cases disposed of in 1868 and all of them in 1 day.

In 1869, there were 30 cases disposed of in 1 day and 20 beyond that time, so that on the whole there were 50 cases disposed of.

The average duration was 2 days against 1 in 1868.

128 witnesses were examined against 37, 72 were discharged on the 1st day against 37 and 56 beyond the 1st day against none in 1868.

30. About the beginning of the year 1869, the Commissioner (Sessions Judge of Arakan) issued a Circular prescribing a form of diary of witnesses prescribing the proper system of reckoning the days of detention from the day the witnesses arrive in the station to await their examination to the day they are discharged. This is carried out in all the Courts.

Sessions Court.

31. There were 18 cases disposed of during the year against 13 in the previous year; the average duration of each case being 1 month 25 days against 22 days only in 1868. The increase was caused by a long duration of 5 cases which awaited trial from 61 to 180 days. Two of these cases were from Sandoway, 2 from Ramree and 1 from Akyab Town. The 4 cases from Sandoway and Ramree were delayed consequent on the Sessions Judge's inability to go down the coast in the South-West moonsoon there being no steamer or any safe vessel or boat for the purpose available. The one case from Akyab Town was delayed by service of summonses on witnesses required by a defendant at Comilla in the Chittagong District. The one case pending at the close of the year under review has since been disposed of. This was owing to the absence of the Sessions Judge from Akyab on Circuit duty.

AKYAB DISTRICT.

32. The return of the Akyab District shows that 129 persons were sentenced to rigorous imprisonment of which 5 were sentenced to rigorous imprisonment for terms not exceeding 7 and not below 3 years, 52 persons to fine and imprisonment, and only 2 persons to simple imprisonment. 1017 were punished by fine: 6 persons were flogged and 15 were ordered to find security.

Punishments awarded.

The total amount of fines imposed was Rs. 16,509 out of which Rs. 11,217 were realized; Rs. 728 were ordered to be paid in compensation under section 44 of the Code of Criminal Procedure, and the whole of this amount was actually paid. Against the sentence of the District Magistrate 20 cases were appealed to the Sessions Court, of which in 15 cases the order

of the Magistrate was upheld and in 2 reversed. These include the 10 Appeals preferred against the orders of the Assistant Commissioner, Mr. Hind, of which 8 were confirmed and 1 reversed. The result is very good.

AKYAB TOWN.

33. In the Town of Akyab there were 108 persons sentenced to rigorous imprisonment, of whom 4 were sentenced to a term not exceeding 7 and not below 3 years, 12 persons to both imprisonment and fine and 9 only to simple imprisonment; 410 persons were punished by fine, 21 persons flogged, 24 persons were ordered to find security and 32 persons to enter into recognizances to keep the peace.

The total amount of fines imposed was 7,689 Rupees of which Rs.3,976 were realized. The amount of compensation ordered to be paid under section 44 Criminal Procedure Code was Rs. 159 the whole of which amount was paid. Against the sentence of the Town Magistrate, in 28 cases appeal was preferred to the Sessions Court, of which 18 were confirmed and 7 reversed or modified. No Appeals were preferred to the Sessions Court from the orders of the Superintendent of the Gaol.

RAMREE DISTRICT

34. The number of persons sentenced to rigorous imprisonment in this District was 170 and one of these was sentenced to 7 years, 12 persons were sentenced to both imprisonment and fine, none to simple imprisonment, and 481 persons sentenced to fine only, 5 flogged and 49 to find security.

The total of fines imposed was Rs. 6,022 of which sum Rs. 5,135 were realized, Rs. 199 were ordered to be paid in compensation under section 44 Criminal Procedure Code, of which only Rs. 84 were paid. There were 8 Appeals from this District Magistrate to the Sessions Court, in all of which the orders of the Magistrate were confirmed or upheld which is very satisfactory.

SANDOWAY DISTRICT.

35. In this District the number sentenced to rigorous imprisonment was 52 of which 3 persons were sentenced to 7 years and not below 3 years, 1 to imprisonment and fine and 1 only to simple imprisonment. Persons punished by simple fine only were 256, flogged 1, and sentenced to find security 1. Rs. 2,568 were the amount of total fines imposed, of which Rs. 1,588 were realized, compensation ordered under section

44 Criminal Procedure Code was Rs. 84, of which only Rs. 39 were paid; 10 Appeals were preferred in the Sessions Court from the decisions of the District Magistrate, of which 8 were confirmed and 1 only was reversed which is satisfactory.

Northern Arakan.

36. In the North Arakan District only 2 persons were sentenced to rigorous imprisonment, 6 with fine and 53 to fine only. The total amount of fines imposed was Rs. 636 of which Rs. 316 were realized. There were no Appeals against the orders of the Superintendent of Hill Tribes.

Sessions Court.

37. The persons convicted by the Sessions Court were sentenced as follows:—

Death	2
Transportation for Life	3
Transportation for 14 years...	0
Imprisonment for 10 years	11
Imprisonment for 7 years...	10
Imprisonment for 5 years	5
Imprisonment for 3 years...	1
Total	32

II.—The amount of fines imposed during the year by the Sessions Judge was Rs. 2,800, of which nothing was realized.

III.—Compensation under Section 44 of the Code of Criminal Procedure was ordered by the Sessions Judge to the amount of Rs. 2,800, for the offence complained of. Of this sum nothing was paid.

The Criminal died in Gaol shortly after sentence.

General Remarks.

38. The Deputy Commissioner gives the following account of compromises having been allowed in some heinous offences by Captain Prendergast when Officiating as Deputy Commissioner of Akyab:—

Compromise of Non-Bailable Offences.

"7 Withdrawals and compromises in Non-Bailable cases "are shewn, of these one case of attempt to commit murder,

" was allowed to be withdrawn by Captain Prendergast, then " Officiating Deputy Commissioner. The prisoner had origin- " ally been tried by the Magistrate of Akyab for attempt at " murder, and was sentenced to 7 years rigorous imprison- " ment. The verdict was set aside, and the case was ordered " to be retried in the Akyab District Magistrate's Court. " The then presiding *locum tenens* allowed the complainant " to withdraw his charge, as he considered that the Prisoner " having been 6 months pending trial was a sufficient punish- " ment for the offence. The remaining 2 cases involving " 6 persons, House trespass in order to the commission of " Theft were allowed to be withdrawn by the Deputy Com- " missioner, Lieutenant Colonel Spilsbury.

" It may perhaps be scarcely necessary to remark that " all the above compromises where illegal and most undoubt- " edly impolitic."

There can be no doubt that these compromises cannot be justified.

I have taken occasion during the year to address Officers on this important error. Indeed so soon as such irregular entries are noted in the Magistrates' returns notice is taken of them.

Superintendent of Gaol

39. Separate Returns are submitted showing the work of the Superintendent of Gaol as Magistrate within its precincts, the same not having been embodied in the Town Magistrate's Returns although the Chief Court's Circular Orders, No. 9, dated the 8th June 1869 on this subject were forwarded to the Magistrate of Akyab on the 29th idem. The following reasons are given by the Magistrate on this point :—

" The Superintendent of Gaol did not submit any return, " and states as his reason for not having done so that he had " never before submitted such Returns nor is he furnished " with Forms for the purposes."

" A Return has therefore been prepared in the Magis- " trate's Office and herewith submitted."

The Superintendent of Gaol tried 4 cases under the Indian Penal Code and 6 under the Gaol Rules; total 10 cases which are all Bailable—25 persons were brought to trial out of which 1 only was acquitted.

Out of the number convicted 4 were fined, 9 imprisoned, 6 flogged and 5 imprisoned and flogged.

The total amount of fines imposed during the year was Rs. 110 the whole of which was realized.

40. The Deputy Commissioner of Akyab has given no information in his Report regarding the cases disposed of under this Act. But from his Statement No. III, it appears there were 5 persons sentenced to imprisonment between the terms of 7 and 3 years by Major Spilsbury who may be assumed to have been sentenced under this Act.

Act XV of 1862.

In the Town of Akyab there were 4 cases decided under this Act, 2 by Lieutenant Strover and 2 by Mr. Lloyd.

"Mr. Lloyd," says the Magistrate, "under some error, "assumed special powers, but his Proceedings were quashed "by the Chief Court and sent for retrial to the Officiating De- "puty Commissioner of Akyab, Captain Prendergast."

Mr. Lloyd appeared to the Sessions Judge to have acted rightly in exercising these powers while Officiating as Magistrate. It was the subject of much discussion at the time; eventually it was decided that he had not authority to do so.

In Ramree 1 case only was decided by Captain Plant under this Act.

In Sandoway no cases are reported to have been disposed of under this Act.

41. I have only to say as regards the new Procedure Code that it is well understood and carefully acted on. It is not my duty to criticize any of its provisions except perhaps as regards the subject of the next succeeding paragraph, *viz*:

Act VIII of 1869.

42. Assessors: who are in my opinion of no real use to District Officers in trying cases under their special powers: and my experience as Sessions Judge is that they are of no use to me as Sessions Judge except possibly as aiding to give a show of greater formality and perhaps dignity to the proceedings in a trial for Murder or Culpable Homicide.

Assessors.

43. Persons called upon to give security for good conduct in the Division was as below :—

Bad livelihood.

	1868.	1869.
Akyab District	35	14
„ Town	25	29
Ramree District	19	49
Sandoway „	35	1
Northern Arakan	3	0
Total...	117	93

The above shows that there was a decrease in the number of persons called upon to give security for good conduct during the year when compared with the previous year.

Akyab District.

44. The Deputy Commissioner of Akyab refers to a special Report made by him on this head in January last. In that report he stated that, "in the year 1868 the law in question, "(meaning the law requiring bad characters to give security) "was put in force with a certain degree of vigour, 56 persons "having been arraigned 35 of whom were put on security.

"It is found as a fact that a decrease of crime in 1869 "generally followed and it must at least in part be attributed "to the repression of the bad characters.

"It is unnecessary to have to report that in 1869 this "very useful provision of the law appears again to have par- "tially fallen into disuse and more particularly so in the "commencement of the year."

Akyab Town.

45. The Town Magistrate says, "stringent measures have "been adopted to take the fullest amount of security from "persons of bad livelihood."

In the special Report submitted by the Magistrate, he shows that he is alive to the importance of carefully watching suspicious characters in his jurisdiction.

RAMREE DISTRICT.

46. "The increase in this District," says the Deputy Commissioner, in his special Report, "is due to the extra activity "of the Police stimulated by the Government orders on "the subject."

SANDOWAY DISTRICT.

47. The Deputy Commissioner of Sandoway says, "only "1 person has been called upon to give security for good "conduct during the year, this is accounted for by the Dis- "trict being a purely agricultural one and fortunately by the "very small amount of crime generally."

48. I directed the attention of all Officers concerned to this subject in August and September 1868, and it is enough now perhaps to say that I believe the law upon this subject is judiciously administered. It is a subject to which I give constant attention, endeavouring to secure a happy medium between the strict prosecution of all really suspicious and dangerous persons and an indiscriminate crusade on the part of the Police against poor but unoffending men and strangers.

I have only to add that it has been sufficiently obvious for some time that the Akyab District had not its fair proportion of working Policemen especially of the higher grades. The Town and Superintendent's Office had an undue proportion, and the Hill Tracts were occasionally supplied with drafts of men to the serious detriment of the Police administration in the Akyab District.

I have recently made as above reported, a re-arrangement of distribution, fair alike to the Town and the District, and I propose to avoid as much as possible denuding the District of its Police by drafts for the Hill Tracts. This Hill District as I have frequently pointed out suffers from a chronic insufficiency of means which must not be unfairly compensated at the expense of the Akyab District. I have proved that nothing of value can be done for the Hills without a permanent increase of its force.

AKYAB DISTRICT.

Whipping. 49. With regard to this mode of punishment under the Whipping Act the Deputy Commissioner of Akyab says as follows:—

"No doubt opinions vary very much regarding this ques- "tion but my experience has always shown that when young

" men are convicted of a small theft, for the time a sound flog-
" ging frightens them, and keeps them in dread for the fu-
" ture; and by flogging and releasing a young man he is freed
" from the evils which might result by a contact with hard-
" ened Criminals in a Gaol."

AKYAB TOWN.

50. The Magistrate of Akyab says:—" As remarked by
" Lieutenant Strover, the former Magistrate, in his report of
" last year, I am of a similar opinion, that the punishment of
" Whipping adults, should be combined with imprisonment,
" in all cases. Whipping is undoubtedly a beneficial punish-
" ment for Juvenile offenders."

RAMREE DISTRICT.

51. The Deputy Commissioner of Ramree states that, " the
" punishment of Whipping was inflicted in each case for Theft
" and there can be no doubt that it exercises a more deterrent
" effect than does imprisonment."

SANDOWAY DISTRICT.

52. The Deputy Commissioner of Sandoway says, with regard to this mode of punishment that:—" There was only
" 1 case in which stripes were inflicted in a case in which the
" Criminal had been repeatedly punished previously—where
" there is so little crime this punishment is not necessary save
" in the case of Juvenile offenders whom it may be desirable
" not to send to Gaol."

NORTHERN ARAKAN.

53. No persons were punished with whipping in this District.

AKYAB DISTRICT.

54. The Deputy Commissioner of Akyab says on the working of this Act as follows:—

Gambling Act.

" The Gambling Act is not of so much importance in
" Akyab as in the Province of Pegu.

" My experience does not extend over any great length of
" time; but as far as my knowledge goes, I think gambling
" is not very generally practised; and it does not assume that
" phase which renders it formidable, or objectionable in a cri-
" minal point of view.

" It used to be the practice to include all kinds of playing
" with cards, dice, &c., under the name of gambling, where

" such games were played by Burmese, or Natives, and thus " the number of cases was swollen, and the importance of the " subject was probably exaggerated.

" The present law seems ample in Arakan for exercis- " ing a check over gambling " Hells" when the unwary are " fleeced, and when bad characters congregate.

" I am aware that it is generally stated, not without some " symptom of alarm, that gambling goes on amongst outlaying " villagers, and that the Township Officers are powerless to " prevent it.

" There appears no reason why we should interfere with " villagers who choose to have games of chance amongst " themselves, if such do not lead up to other crimes and it is " not improbable that by making such a practice illegal the " games of chance assume a stealthy and objectionable charac- " ter, and compel men fond of such games of chance, to be " breakers of the law in order to indulge in what would other- " wise be a most rational amusement.

" The Act ought undoubtedly be made applicable to all " the Head Quarter Stations of Myookes, where men of all " descriptions naturally do congregate."

Akyab Town.

55. The Town Magistrate in his Report touches upon the working of this Act as follows :—

" There have been a very few trifling cases of gambling " with pice under Act III of 1867. This Act does not au- " thorize, the Police Superintendent excepted, to arrest gam- " blers in private houses without a warrant. There is little " doubt, but that a good deal of gambling exists in the Town."

To which I have to add : probably so, but not I believe of a serious character such as to cause me at least any uneasiness.

Ramree District.

56. The Ramree Deputy Commissioner says :—" On the " working of the Gambling Act it is sufficient to point out that " there is no Act in force by which persons can be prevented " from gambling as much as they please beyond certain pre- " scribed town limits, provided they do not do so in any " thoroughfare or public place ; within the limits to which the " Act is extended its provisions are good and easily acted on."

SANDOWAY DISTRICT.

57. The Deputy Commissioner of Sandoway states:—"The "Gambling Act answers every necessary purpose giving "power to the Magistrate to prevent the establishment of "hells in the Town, while power of interference has been "taken away from the Police in the Villages, a power which "used to have deteriorating effects upon their discipline and "efficiency."

NORTHERN ARAKAN.

58. The Gambling Act has not been extended to this District.

I will add only a few remarks.

The Gaming Act is a good one. It is not one which can be easily overworked which I am glad of. I was never one of those Officers who express themselves horror-stricken at card playing and the playing of games of chance in British Burma. Much of what is hunted up and down as gambling is really only a little harmless amusement. Proceedings against villagers for card-playing, &c., have often been most unjustifiable, and in Towns too, not so very long ago the extraordinary efforts, general and violent, on the part of young Officers with Magisterial powers, and policemen, to put down what they regarded as one of the most serious of offences never had my approval. Attacks on "hells" were all very well, though some of these were not judicious, but the positive raids I have seen against peaceful and I may say innocent card-players have often shocked my sense of justice.

I may say that in Arakan certainly there is nothing to alarm us under this head of crime.

AKYAB DISTRICT.

59. On the working of this Act the Deputy Commissioner of Akyab says:—"Fees in Criminal "processes and costs of service of pro-"cesses in petty criminal cases having been discontinued the "institution of such cases has become a matter of great ease "and cheapness.

Stamp Act.

"The advantages attaching to the realization of a small "revenue by Stamps on Petitions of complaint are more than "counterbalanced by the great strain put on the personal "energies of the Police, and the great expense caused to the "Police Department by service of processes on witnesses who

" may be called at random and are practically without limit " in number.

" One petty criminal case which costs the person institut- " ing it a Rupee may set in motion, and take from their more " important duties, mayhap half a dozen Police men, and " their conveyance by boat connected with that case alone " may, and often does, cost the Police department Rs. 5 or " more in boat hire."

As regards the new Law I must say that the " Court Fees' Bill" appears to me to be one that is hardly called for in British Burma, and that in some of its general provisions it is really not applicable to a country with such imperfect communications and defective postal system.

Akyab Town.

60. The Magistrate of Akyab says :—" There has been an " increase in the number of petty cases of assault and insult " during the past year, and the Stamp Act XXVII of 1867, " has not checked complaints being made on the usual 1 Ru- " pee stamp."

Here again there may be too much attempt at generalization, or deducing consequences from imperfect or inadequate data: but it is my own opinion that the Rupee institution charge is not likely to be an efficient deterrent in British Burma against false and frivolous charges.

Ramree District.

61. The Deputy Commissioner of Ramree says:—The " fee of Rupee one required on the institution of cases not " cognizable by the Police appears to have no effect in check- " ing the number of petty cases brought into the Courts."

Sandoway District.

62 The Sandoway Deputy Commissioner explains the working of this Act thus:—" As there is a considerable in- " crease in Bailable cases it is plain that the Stamp Act has " had no effect in preventing litigation which is to be regretted " as a large proportion of such cases are instituted from vindic- " tive motives in very trifling matters."

Northern Arakan.

63. The Superintendent of Hill Tribes has made no remarks on this head.

64. In accordance with the Chief Court's Circular No. 5, of 1869, the Proceedings of the District and Town Magistrates have been called for and examined by the Sessions Judge. A Statement of each case with the Sessions Judge's remarks upon it as required by the Chief Court is appended to this Report.

Examination of cases

The examination has shown that with the exception of one case only decided by Mr. Davis, Superintendent of Hill Tracts, which had to be submitted to the Chief Court for revision on account of the apparent unfairness of the sentence, the judgements of the Magistrates were sound and their procedure correct.

65. The Deputy Commissioners of Ramree and Sandoway have appended to their Reports their remarks on the examination of the Proceedings of the subordinate Courts as directed in the Circular.

66. The Deputy Commissioner of Akyab has not given a Statement of each case as required by that Circular but states as follows:—

"Examination of records of cases in the 3rd and 4th "Quarters of 1869 were held in the following Courts:—

"Court of Assistant Commissioner of Akyab.

"Do.	Rathaidoung	Myooke.
"Do.	Myohoung	do.
"Do.	Ooyittoung East	do.

"Remarks on the cases were forwarded in each case to "the Officers concerned.

"No records of examination of cases in previous quarters "have been found.

"In the Court of the Minbya Myooke great laxity of "procedure and illegality of punishment was found. The "other Courts were fair."

67. The Magistrate of Akyab says:—"Until the receipt "of the Commissioner's letter, above referred to, I had not "called for and supervised the records of the Gaol Magistrate. "I regret the oversight, I have done so since; and have to re-"port as follows:—

"There were 3 cases of escape from custody, in one of "these cases, the offenders were sentenced to imprisonment "as well as whipped, the whipping being carried out within

" 7 days of the sentence. This is contrary to the Whipping " Act which provides an interval of 15 days.

" There was 1 case of negligently suffering a prisoner to " escape in which 2 persons were charged and convicted.

" There were 6 cases tried under the Gaol Rules."

68. The Superintendent of Hill Tracts has given no remarks on this head.

Examination of Records and Registers.

69. The Records and Registers of the Ramree and Sandoway Courts were carefully inspected by the Sessions Judge towards the close of the year who found that they were generally satisfactory.

The Sessions Judge was absent on urgent duty in the Southern Districts in November and in December and could not examine those of Akyab or the Hill Tracts.

AKYAB DISTRICT.

70. The Deputy Commissioner of Akyab reports as follows under this head :—

" The Registers of the following Courts were examined " since my arrival.

" The Assistant Commissioner's Court, Kyailet Extra As- " sistant Commissioner, Mingbya Extra Assistant Commission- " er, Ooyittoung East.

" The Registers in the Assistant Commissioner's Court " and the Court of the Extra Assistant Commissioner Ooyit- " toung East, were well kept. Those in Kyailet and Mingbya " were disgraceful. The Mingbya writer had to be dismissed " and a charge made in the Kyailet Office.

" There is no record of any examination of records having been held by my predecessors."

RAMREE DISTRICT.

71. The Deputy Commissioner of Ramree says:—the Registers and Books of the Subordinate Magistrates have been examined as opportunity offered. Those of the Extra Assistant 1st class 2nd grade in Kyouk Phyoo, monthly and are found to be well kept. The Records are all carefully arranged and the Gazettes regularly filed."

SANDOWAY DISTRICT.

72. The Sandoway Deputy Commissioner has offered no remarks under this head.

NORTHERN ARAKAN.

73. The Superintendent of North Arakan says:—"On "inspection of the Registers of the Lower Courts it appears "that they have not been kept regularly, but the Bailable "and Non-Bailable offences have been entered in one list "though under different numbers. The Assistant Superinten- "dent also appears to have been ignorant of his proper powers "and to have taken up several cases that were not triable "by him."

Bailiff's Security.

74. The Deputy Commissioners of Akyab, Ramree, and Sandoway, and the Town Magistrate at Akyab have all reported as to the sufficiency and goodness of the Bailiff's Security.

Alphabetical Register of previous Convictions.

75. The Deputy Commissioners of Ramree and Sandoway and the Town Magistrate of Akyab have all reported that this Register is regularly kept up. But the Deputy Commissioner of Akyab says: "An attempt has been made to keep up Registers of "previous convictions according to the orders conveyed in "Circular No. 5 of 5th July 1865, of the High Court of Judi- "cature at Fort William. Indices have not been kept up at "any time and the Books have not been uniformly kept."

The Superintendent of Hill Tracts says that this will be attended to hereafter.

AKYAB DISTRICT.

Working of the Police.

76. With regard to the working of the Police in the Akyab District the Deputy Commissioner of Akyab has made an elaborate report which has already been quoted in para: 12 of this Report.

With regard to the Superintendent of Police, Captain Munro, the Deputy Commissioner of Akyab says:—"The "great decrease of crime in the District reflects the highest "credit on Captain Munro, the Superintendent of Police.

"He is intimately acquainted with the District, and its "people: and his experiences are ever cordially at the Magis- "trate's disposal.

"I have great pleasure in putting on record, the valuable "assistance I have personally received from him, at all times."

AKYAB TOWN.

77. Under this head the Town Magistrate remarks as follows:—

"The working of the Police throughout the year has "been satisfactory, as will be seen from the proportion of con- "victions, compared with that of last year, and their cases "were properly investigated prior to being sent up for trial.

"Captain Munro, the Superintendent of Police, is too "well known as a Police Officer; it is therefore left for me, "only to say of him that he has on all occasions, given me "the aid and assistance, I have required, in carrying on my "duties, as Town Magistrate of Akyab.

"Mr. Perreau, the Assistant Superintendent of Police, is "a very energetic Officer, and promises to do credit to Cap- "tain Munro's training.

"Of the Inspectors, probably a better Inspector for the "Town of Akyab, than Mr. Thompson, could not be found in "the British Burma Police Force. I shall be sorry to see "him moved into the District a step contemplated I believe "particularly at this, the shipping season of the year, when "there will be nobody to take his place, in dealing with re- "fractory seamen.

"I have seen so little of Inspector Kent, that I am una- "ble to remark upon his official capacity. He has been ill "too, for some little time past.

"Uzeezoolla, the Native Inspector (2nd class,) attends "my Court regularly every day. He is a most zealous and "energetic Officer, it is only fair to him to say, that he is Cap- "tain Munro's valuable Assistant, in detecting crime in the "Town. He has been in Government employ over 29 years, "and has well earned further promotion."

It is due to Captain Munro, and I gladly avail myself of this annual opportunity for the purpose, to place on record the high sense I entertain of his abilities, industry, carefulness and zeal. He is a most valuable Officer, possessing superior qualifications; and I know him to be one who can always be implicitly relied on, in the field, as well as in the discharge of the ordinary duties of his office.

Mr. Perreau is an active energetic Officer.

Ramree District.

78. The Deputy Commissioner of Ramree says:—"Captain "Carr was in charge of the Police, from the 1st January to "21st May 1869, and Mr. R. Redpath from that date to end "of the year. The Police appear to have done their duty well. "They are too few in number for the District and there is no "reserve."

I entertain a very good opinion of the Police qualities of both Captain Carr and Mr. Redpath.

Sandoway District.

79. The Deputy Commissioner of Sandoway says:—"During "the whole year the Police was in the charge of the Deputy "Commissioner who has to acknowledge the services of Mr. "Banbury the Inspector, an intelligent Officer. The Police "generally are in a satisfactory state."

I am personally aware of the value of Mr. Banbury's services.

Northern Arakan.

80. The Superintendent of the District, Mr St. John states that, "having only just taken over charge I am unable "to report upon the action of the Police."

Akyab District.

81. The Deputy Commissioner of Akyab says, with regard to the Goungs of his District that,

Working of the Goungs.

"the Goungs in this District are a "very useful body. The Police force is so very scanty and "so palpably unequal to the requirements of the District, vil- "lage Goungs are an absolute necessity, to watch and de- "tect crime, in the outlaying portions of the District.

"I believe, were it not for the Goungs, some people in "the outlaying portions of the District, who seldom, if ever "see a police man, would forget altogether that such a force "existed for the suppression of crime; and lawlessness would "increase in consequence.

"The Goungs occasionally take advantage of their dis- "tance from observation to practice extortion by means of "wrongful arrest and confinement; but such cases are rare and "when any case has been discovered severe punishment has "always overtaken the offender.

" During the year 6 Goungs were dismissed for bad con-
" duct or neglect of duty.

" As a general rule the Goungs do their duty well and
" are of the greatest assistance to the Police and the District
" Magistrate." He states moreover that the Kyeedangyees in his District have generally given satisfaction.

AKYAB TOWN.

82. The Town Magistrate states that, " there are 5 Goungs
" in the Town of Akyab. They are steady and attentive to
" their duties."

RAMREE DISTRICT.

83. The Deputy Commissioner of Ramree says as follows:—
" There are 80 Yazawot Goungs in the District; consequent
" on their pay having been transferred from the Imperial to
" Local funds ten additional men entertained in 1867 who had
" hitherto been paid from these funds had to be discharged
" during the year; they are a most useful body of men and as
" Captain Plant last year most justly remarked, the right
" hand of the Police, dwelling as they do amongst the people;
" nearly all the arrests are made by them or on information
" received through them and besides this they perform many
" subordinate police duties such as looking after stray proper-
" ty, giving information respecting bad characters, &c., with the
" exception of those in Kyouk Khyoung, who were somewhat
" tardy in taking measures to arrest the escaped convicts
" harboured there, their conduct has invariably been good."

SANDOWAY DISTRICT.

84. The Deputy Commissioner of Sandoway says:—" The
" Razawot Goungs do little. The Police as a rule let them
" alone."

NORTHERN ARAKAN.

85. The Superintendent of this District says:—"They have
" worked well and their conduct is good."

I believe the Goungs do generally well in Arakan. I know of no special subjects for remark concerning them this year, except that I trust that few if any of them will be sacrified to the financial exigency which appears to require their being paid from the Chowkeydary quota of the 5 per cent cess.

District Officers generally are eager for the maintenance of the present Establishment or even an increase of it. And

so long as Thoogyees are debarred from exercising any Police powers, (such as once they did), we must depend greatly upon our Goungs for our information of crime.

The pay of Goungs is but small and the work required from them, if they do it, is onerous and important, and undoubtedly it is a thoroughly Burmese institution, popular and influential with the people.

AKYAB DISTRICT.

Appeals from the orders of the Subordinate Magistrates to the District Courts

86. In the District of Akyab, there were only 6 Appeals preferred against 14 in 1868 from the orders of the Subordinate Magistrates, namely one from the orders of Mr. Lloyd, Assistant Commissioner, in which his orders were upheld. Against the decision of Moung Pha Phyoo, Extra Assistant 3rd class, one Appeal was preferred and it was confirmed, 2 Appeals were preferred against the order of Moung Kulla, Extra Assistant Commissioner 3rd Class. Of these 1 was confirmed and the other reversed. The same number of Appeals was made against the order of Moung Being and the result was the same. With regard to the small number of Appeals the Deputy Commissioner says:—"People are generally "unwilling to undertake a long journey for the sake of appeal-"ing against a fine or short term of imprisonment and almost "all the heavy cases are disposed of by the District Magis-"trate himself."

RAMREE DISTRICT.

87. 4 Appeals were preferred against 9 in 1868, in the Ramree District, from the orders of 1st Class Extra Assistant Commissioner Moung Shwè Dike Kay and his orders in all those cases were upheld. There was one Appeal made against the order of Moung Hla-Htoon Oung, Extra Assistant Commissioner 3rd class, but his order in that case was reversed.

SANDOWAY DISTRICT.

88. In this District there were 8 Appeals preferred on the whole against 11 in 1868, of which 4 were against the order of Moung Thadoway, Extra Assistant Commissioner 2nd class; of these 2 were confirmed and one was reversed. There were 3 Appeals from the orders of Moung Kya Oung. Of these 2 were reversed and one only confirmed. One Appeal was from the orders of Moung Shwè Boo, Extra Assistant Commissioner 3rd class, which remained pending at the close of the year.

NORTHERN ARAKAN.

89. No Appeals were preferred from the orders of the Assistant Superintendent in this District.

It will be observed that the quantity of Appeals from the first Courts is strikingly small, which appears to shew the respectful appreciation of the people of the qualities of their Subordinate Magistrates.

Character of the Subordinate Magisterial Officers.

AKYAB DISTRICT.

90. The Deputy Commissioner of Akyab says as follows relevant to the Officers of his District:—

Mr. Hind, Magistrate.

"Mr. Hind has not served under me. He is a careful "Officer I understand with the per- "fect knowledge of Arakanese and "Bengallee. He is undoubtedly slow in the conduct of his "case."

I concur with Mr. Ireland.

Mr. Lloyd, Subordinate Magistrate 2nd class.

"Mr. Lloyd, Subordinate Magistrate 2nd class, has not "served under me."

I have to say of Mr. Lloyd that during the time he served under me, some months of which he was Magistrate of the Town of Akyab, I had ample opportunity of proving him to be a valuable Officer, intelligent, painstaking and zealous.

Mr. Duke, Subordinate Magistrate 2nd class.

"Mr. Duke conducted his cases with care. He requires some experience in criminal matters."

I concur.

Mr. Midwinter, Officiating Assistant Commissioner.

"Mr. Midwinter, Officiating Assistant Commissioner, had no criminal powers during the year."

Moung Kulla, Extra Assistant Commissioner, 2nd class Subordinate Magistrate.

"Moung Kulla, Extra Assistannt Commissioner Naaf, is a very old Officer and unable to perform his duties satisfactorily. He has been a deserving Officer."

Moung Shwè Taw, Tseitkay of Akyab, 2nd class Subordinate Magistrate.

"Moung Shwè Taw had only 4 cases. He is an intelligent man; and generally does justice."

I fully concur.

" I have no fault to find with this Officer. He was describ-

Moung Pha Phyoo, Myooke of Myoboung, 2nd class Subordinate Magistrate.

" ed in last year's report as indo-
" lent and inclined to be disrespectful.
" I think he has shewn improvement."

I quite concur.

" A very clever intelligent man, I believe he is attentive

Twoon Oo, Myooke of Rathaidoung, 2nd class Subordinate Magistrate.

" to his duties and that he possesses
" influence amongst the people."

I again agree.

" A man of very superficial knowledge. He is a gen-

Moung Kulla, Myooke of Minbya, 2nd class Subordinate Magistrate.

" tleman of the old school, wedded
" to old habits and ways of thought.
" He is of a very overbearing temper, and not a little of a
" bully."

True I believe.

" A very lazy, indifferent man. He is ignorant in the ex-

Moung Nhing, Myooke of Ooyittoung East, 2nd class Subordinate Magistrate

" treme and avoids his work in
" every possible way."

Also true.

" A very old man, who having failed as an Akwonwoon

Moung Being, Myooke of Ooyittoung West, 2nd class Subordinate Magistrate

" was thought fit for the bench.

" He has proved if possible a greater failure in the lat-
" ter position, than in the former."

True I fear.

" A very indifferent man. He has not a judicial turn of

Moung Bweng, Myooke of Kyaiket, 2nd class Subordinate Magistrate.

" mind and is careless in office rou-
" tine matters."

This Officer is however one of some intelligence I think and likely to improve.

" This man is positively wanting in intellect. He is to-

Abass Ally, Myooke of Koladan, 2nd class Subordinate Magistrate.

" tally unfit for the bench for which
" he has had no training whatever."

I am disposed generally if not fully to concur here.

" This man officiated, from 1st January to 5th March

Moung Shwè Too, Officiating Subordinate Magistrate 2nd class

" whilst Moung Nhing, Myooke of
" Ooyittoung East, was under sus-
" pension for being habitually drunk on the bench.

" He performed his duties satisfactorily."

AKYAB TOWN.

91. The Magistrate of Akyab says:—" The Honorary Magistrate of the Town of Akyab, Messrs Hay and Bulloch " have been absent throughout the year."

RAMREE DISTRICT.

92. The Deputy Commissioner of Ramree says as follows:—

" Moung Shwè Dike Kay, Extra Assistant Commissioner " 1st class 2nd grade, at Kyouk Phyoo, has maintained the " high character acquired by him as a Judicial Officer."

This is a very good Officer.

" Moung Hla Htoon Oung, Extra Assistant Commissioner " 3rd class 2nd grade, at Aeng, is not so careful or mindful of " orders issued to him, but generally speaking his character as " a Judicial Officer is good."

I concur.

" Moung Na Hto Shwè, Extra Assistant Commissioner " 3rd class 2nd grade, at Ramree, is an excellent Officer, he " tried his cases carefully and with judgment."

This is quite correct.

" Moung Phoung Tha Oo, Extra Assistant Commissioner " 3rd class 4th grade, at Cheduba, is also a fair Judicial Officer."

I concur.

SANDOWAY DISTRICT.

93. The Deputy Commissioner of Sandoway gives the following character of his Subordinate Magisterial Officers:—

" The Subordinate Magistrates have got over their work " well, with the exception of the Extra Assistant Commis- " sioner of the Southern Township who cannot be called an effi- " cient Officer."

" Thadoway is a good and intelligent Judicial Officer."

NORTHERN ARAKAN.

94. The Superintendent of Hill Tracts states:—" That as " regards the qualifications and application of the Assistant " Superintendent, Moung Ooga Zan, I am unable to speak, but " I believe that my predecessor was satisfied with him."

I have only to add my opinion of the Superior Officers serving under me.

Mr. Ireland, Deputy Commissioner of Akyab, is a Superior Officer. He has a judicial mind, well trained; is thoroughly conversant with his duties, correct in procedure and has a good general knowledge of Law.

Mr. Macrae, is also a very good Officer, patient, painstaking and intelligent.

Mr. Treacy, is a clear-headed man of considerable experience.

Captain Prendergast, has not had as good opportunities of legal training as the foregoing gentlemen. I have found him willing and desirous of giving satisfaction.

Mr. J. C. Davis, is a valuable Officer with special qualifications for dealing with such people as those lately under his charge in the Hill Tracts.

REPORT

OF THE

SESSIONS JUDGE OF PEGU,

FOR 1869.

From Colonel R. D. ARDAGH, Commissioner of Pegu, to the Secretary to the Chief Commissioner of British Burma, Rangoon, No. 152–2, General, dated 18th June 1870.

I have the honour to submit herewith the Annual Report, on the Administration of Criminal Justice, during the year 1869, 1230-1231, for the Pegu Division.

2. The Reports were dated and received, as below:—

District.	Dated.	Received.	Remarks.
Rangoon ...	28th March 1870.	29th March 1870.	
Bassein ...	.....	31st do.	
Myanoung ...	10th Febry. 1870.	7th do.	
Prome ...	30th March 1870.	7th April 1870.	
Toungoo ...	22nd Febry. 1870.	7th March 1870.	
Town of Rangoon ...	29th Jany. 1870.	31st Jany. 1870.	
Cantonment of Rangoon	.....	10th Feby. 1870.	

3. I left Rangoon on Circuit on the 10th April, three days after receiving the Prome Report, and pressure of other work has detained this paper from going up before.

REPORT.

1. This Report divides itself, into the following Heads :—

i.—Work in the Sessions Court.

ii.—Work by the Deputy Commissioners, under their Special Powers sitting in District Sessions.

ii. *a*.—Work by the several Magistrates under the normal powers they exercise, in accordance with the Code of Criminal Procedure.

iii.—The action of the Courts against persons of Bad livelihood.

iv.—Summary of crimes attended with violence, and the success of the District Police in suppressing such.

v.—Concluding Remarks.

SECTION I.

SESSIONS COURT.

2. Colonel Ardagh has been Sessions Judge, throughout the year.

3. The number of Sessions trials as compared with 1868 was as below :—

	1868.		1869.	
	Cases.	Persons.	Cases.	Persons.
Remaining under trial from previous year.	5	19	7	23
Committed to Sessions during the year ...	37	82	60	92
Total...	42	101	67	115
Disposed of ...	35	78	61	108
Pending trial ...	7	23	6	7

4. Four of the six pending cases (of rather long duration,) were committals by the Deputy Commissioner of Toungoo which Station the Commissioner did not visit until February of the present year. The other two, were sent up near the close of the year.

5. All these have since been disposed of in the course of the Commissioner's Circuit to Toungoo and up the Irrawaddy.

6. The procedure of the Sessions Court in Sessions trial consequent on a correspondence with the Chief Commissioner, regarding the correct course to be pursued in obtaining the

opinion of Assessors, has been altered. Formerly, the Commissioner, considering the Assessors in the light of advisers, got their opinions *before* addressing himself to sum up the case. This he believed to be what the High Court at Calcutta considers to be the proper method.

As the Chief Court of this Province however, took a different view,—the plan now pursued, is to *sum up* at the close of the defence, *then* obtain the Assessors' opinion, and *lastly* proceed to record the Judge's own opinion of the case.

7. The duration of the trials in Sessions was as below :—

	1868.	1869.
Number of cases under trial.	42	67
Total number of days. ...	1,954	2,298
Average duration in days ...	46½	34½

The improvement therefore has been on an average more than 12 days.

8 The Classification of cases sent up by the District Magistrates for trial before the Sessions Judge was :—

Offences.	1868. Cases.	1868. Persons.	1869. Cases.	1869. Persons.
Murders, Abetments and attempts at Murder and Culpable Homicides ...	22	32	28	29
Concealing evidence in a Murder case ...	,,	1	,,	,,
Causing grievous hurt.	,,	,,	1	1
Dacoity with Murder and Abetment ...	4	12	2	9
Dacoities (other cases) Robberies, House breaking &c. ...	10	36	16	34
Thefts ...	,,	,,	1	4
Kidnapping ...	,,	,,	1	2
Rapes and attempts at Rape ...	,,	,,	5	5
Coining &c. ...	,,	,,	3	4
Perjury ...	1	1	,,	,,
Bigamy ...	,,	,,	1	1
Screaning offenders from punishment ...	,,	,,	2	3
Total...	37	82	60	92

9. Appended to this paper will be found a brief sketch of each case tried by the Commissioner during the year, in which life was lost or attempted to be taken.

10. The Chief Commissioner will remark the number of cases in which the too easy manner of Divorce amongst the Burmese has led to violence being resorted to by the divorced husband in anger, at the wife refusing to come back to him.

It is believed that a Divorce law for the Burmese would be a boon, both in the cause of morality, and also to prevent crime of the kind described above.

11. The result of the trials on committals by Districts, is as below:—

District.	Under trial.		Convicted.	Acquitted.	Disposed of without trial.	Pending.	Remarks.
	Cases.	Persons.					
Rangoon. ...	9	14	11	2	1	0	
Bassein. ...	13	26	18	8	0	0	
Myanoung. ...	5	5	3	1	0	1	
Prome. ...	35	66	45	11	1	3	
Toungoo. ...	5	10	6	0	1	3	
Total. ...	67	115	83	22	3	7	

12. The total as compared with the former year shows:—

	In 1868.	In 1869.
Convicted	59·41	72·17
Acquitted	14·85	19·13
Disposed of without trial.....	2·97	2·61
Pending.....	22·77	6·09
Total.....	100·00	100·00

13. The proportion of prisoners pending trial at the end of the year had sensibly decreased. The proportion of acquittals had slightly gained on the convictions.

14. The sentences passed during the two years 1868-1869, are thus shown:—

	1868.	1869.
Capitally sentenced.....	7	7
Transported for life.....	11	29

	1868.	1869.
Transported for life for 7 years and upwards...	22	2
Imprisonment below 7 years.....	4	7
do. above 3 „	11	29
do. below 3 „	5	9
Total.....	60	83

15. The capital sentences were confirmed in the cases of six of the persons so sentenced. The 7th was pending at the close of the year.

APPEALS.

16. The number of Appeals was as below:—

	1868.	1869.
Remaining the previous year.....	4	0
Instituted.....	101	97
Total.....	105	97
Decided.....	105	87
Otherwise disposed of.....	0	4
Pending.....	0	6

17. Of the pending cases 5 were from orders of the Magistrates in Tharrawaddy and in Toungoo, and entertained so late as the 16th of December, a date which did not allow of the records of the cases being sent for so as to reach Rangoon before the end of the year. The 6th case, was one in which the Chief Court was referred to for a ruling, which was not given till the 24th February.

18. The cases came up from the Districts as below, and were thus disposed of:—

CASES.	Rangoon.	Bassein.	Myanoung.	Prome.	Toungoo.	Total.
Total Cases	11	6	27	48	5	97
Decision not interfered with	4	2	17	38	1	62
Modified or reversed or re-investigation ordered	7	2	6	9	1	25
Otherwise disposed of ...	0	2	1	0	1	4
Pending...	0	0	3	1	2	6

19. The "otherwise disposed of" cases were Appeals which were admitted on the file, but subsequently transferred to the Chief Court, on its being ascertained that they belonged to the class of cases referred to in Section 445 C, of the Code of Criminal Procedure.

20. The proportion—which cases in which the orders of the Magistrates were not interfered with, held to cases in which such orders were reversed or modified was:—

In 1868 69½ to 30½ per cent.
„ 1869 71¼ „ 28¾ per cent.

SECTION II.

DISTRICT MAGISTRATES.

21. The following were the Deputy Commissioners of Districts during the year:—

RANGOON.....	1 Captain Malcolm Lloyd, to 4th May 1869. 2 Mr. H. W. Beddy, from 12th May 1869 to 23rd August 1869. 3 Major H. N. Davies, from 2nd Sept. 1869 to close of the year.
BASSEIN.....	1 Mr. H. W. Beddy, to 8th May 1869. 2 Major A. R. McMahon, from 9th June 1869 to 15th October 1869. 3 Captain W. W. Pemberton, from 1st November 1869 to end of the year.
MYANOUNG....	1 Lieutenant Colonel C. P. Hildebrand, to 8th February 1869. 2 Captain W. C. Plant, from 29th March 1869 to end of the year.
PROME.....	1 Captain C. W. Street, to 4th March 1869. 2 Lieutenant Colonel Horace Browne, from 18th March 1869 to end of the year.
TOUNGOO.....	1 Major A. R. McMahon, to 14th May 1869. 2 Lieutenant W. G. Hughes, from 15th May 1869 to end of the year.
RANGOON TOWN MAGISTRATE.....	1 Major A. G. Duff, to 12th February 1869. 2 Captain G. A. Strover, from 12th February to 5th August 1869. 3 Captain R. C. Evanson, from 5th August 1869 to end of the year.

CANTONMENT MAGISTRATE, RANGOON.....
1 Captain W. G. Hughes, to 16th April 1869.
2 Captain G. A. Strover, from 16th April 1869 to 11th May 1869.
3 Captain R. C. Evanson, from 11th May 1869 to end of the year.

The above were Magistrates of Districts.

22. Special Powers under Section 445 A, of the Code of Criminal Procedure were vested in the following of the above District Officers, by Notification No. 166 of the 28th May 1869, Home Department :—

Mr. Beddy,
Lt. Col. Browne,
Major McMahon,
Captain Plant,
Lieut. Hughes.

Mr. Beddy and Major McMahon having left the Division, their successors in office were then gazetted as below :—

Major H. N. Davies, by Notification No. 275 of the 30th August 1869.

Captain W. W. Pemberton, by Notification No. 340 of the 17th November 1869.

23. Trials (in accordance with the Special Powers thus vested in them) were held by the above Officers under Section 445-B, as below :—

RANGOON DISTRICT.

2 cases of Dacoity.
1 Voluntarily causing grievous hurt.
1 Rape.
1 Selling or letting to hire a minor, for the purposes of prostitution.
1 Abetting giving false evidence.

Total 6 Cases 16 prisoners. In two of these there were acquittals of 2 prisoners, *viz:* 1 Rape, 1 Dacoity.

No cases were pending at the end of the year.

24. BASSEIN DISTRICT.

1 Abetting Dacoity.
2 Robberies.
1 Attempt at Rape.
1 Concealing a design to commit an offence.

1 Giving false evidence.

Total 6 Cases 14 Prisoners, of whom 3 were acquitted.

25. MYANOUNG DISTRICT.

1 Culpable Homicide.
4 Attempts at Murder.
2 Voluntarily causing grievous hurt.
1 Kidnapping.
1 Rape.
1 Unnatural offence.
1 Counterfeiting coin.
7 Robberies and attempts at robberies.
8 Dacoities.
2 Of false evidence.
2 Of Adultery.

Total 30 Cases, with 52 Prisoners, of whom 5 were acquitted and the remainder convicted and punished.

Nineteen of the above cases were tried without Assessors under authority of a telegram from the Chief Commissioner; and in 2 cases the accused pleaded guilty.

PROME DISTRICT.

26. No special Return or Report has been received from the Deputy Commissioner of Prome.

TOUNGOO DISTRICT.

27. 1 case of false personation; two Prisoners, who were both acquitted.

28. Appeals from both the above, and also from cases of District Magistrates vested with Special Powers, decided by them under such Powers, equally lie to the Chief Court. The result of such is accordingly not noted in this paper.

SECTION II. A.

29. The ordinary Powers exercised by the several Assistant Commissioners, were as below exhibited:—

NAMES.	* Powers under Section 22 of Criminal Procedure Code.	Other Powers if any.	District to which attached.	For what period.	REMARKS.
Major W. Munro ...	Full Powers ...	.....	Prome ...	Throughout the year.	Thayetmyo Sub-Division.
Cap.C.O.'L.Prendergast	Full Powers ...	.....	Rangoon ...	To 31st May 1869.	Yandoon Sub-Division.
Mr. D. F. Lonsdale..	Full Powers ...	.....	Rangoon ...	To 31st May 1869.	Head Quarters.
Mr. St. John ...	Full Powers ...	.....	Myanoung ...	To 21st July 1869.	Transferred to Arakan.
Mr. C. P. Phillips ...	Full Powers ..	.....	Prome ...	To 4th Aug. 1869.	Transfed. to Customs Dept.
Mr. J. Hind ...	Full Powers ...	Sec. 66-B, of C. C. P.	Prome ...	12th Aug. to end of the year.	Head Quarters.
Mr.C.D.CliffordLloyd	Sub. Mag. 1st class	Sec. 38 do. .	Bassein ...	Throughout the year.	
Lieut. H. A. Gower...	Sub. Mag. 1st class	Sec. 38 do. ...	Myanoung and Rangoon ...	do.	
Mr. C. J. F. S. Forbes.	Full Powers ...	.....	Myanoung ...	22nd July to end of the year.	Tharrawaddy Sub-Division.
Mr. C. Duke ...	Sub. Mag. 2nd class	Sec. 66-B, of C. C P.	Rangoon ...	31st May to 21st July 1869.	Yandoon Sub-Division.
Lieut. M. Furlong ...	Sub. Mag. 1st class	.....	Prome ...	To 13th July 1869.	Transferred to Secretariat.
Lieut. M. C. Poole ...	Sub. Mag. 1st class	Sec. 38 of C. C. P.	Bassein and Myanoung ...	Throughout the year.	Myanoung Sub-Division.
Lieut. J. Butler ..	Sub. Mag. 1st class	.....	Prome & Rangoon	do.	Transferred to Tenasserim.
Mr. R. Perreau ...	Sub. Mag. 1st class	Sec. 38 of C. C. P.	Bassein ...	do.	Ngatheing Ghyoung.
Lieut. G. F. Thorpe..	Sub. Mag. 2nd class	do. & 66-B, C. C. P.	Toungoo ...	8th April to end of the year.	Head Quarters.
Lieut. C. B. Cooke...	Sub. Mag. 2nd class	do. 66-B, of C. C. P.	Prome ...	13th July to end of the year.	Poungday.
Lieut. G. Alexander..	Sub. Mag. 2nd class	do. 66-B, of C. C. P.	Prome ...	9th July to end of the year.	Thayetmyo.

* Only the highest powers exercised are noticed.

30. Major J. M. Grant, was Cantonment Magistrate at Thayetmyo, and Lieut. Simpson, Cantonment Magistrate of Toungoo. These exercised 2nd class Subordinate Magistrate's powers.

31. The following Extra Assistant Commissioners of the 1st class exercised powers of Sub-Magistrate of the 1st and 2nd class :—

Moung On..... Rangoon Sub-Mag. 1st class, Pegu.
Moung Nagaw..... Myanoung do. Donabyoo.
Moung Kyaw Doon do. do. Henzada.
Moung Shwè Bya... Bassein do. Bassein.
Moung Hmay..... do. Sub-Mag. 2nd class Pantanaw, (Vice Moung Shwè Bo deceased.)

32. There were Extra Assistant Commissioners of the 2nd and 3rd class as below in the Districts :—

	2nd class. *Tseekays.*		3rd class. *Myookes.*
Rangoon.....	0	.....	9
Bassein	1	.....	8
Myanoung...	1	.....	8
Prome...	1	.....	9
Toungoo.....	1	.....	6

Totalling 4 Extra Assistant Commissioners 2nd class and 40 Extra Assistant Commissioners 3rd class.

These had 2nd class Subordinate Magistrate's powers, and under Notification No. 349 of the 30th November 1869, the powers defined in Section 66 B, of the Criminal Procedure Code.

33. Powers of committing to the Sessions were also vested on the following Officers, Extra Assistant Commissioners :—

2nd class Moung Shwè Yeen of Myanoung.
Do. Moung Htine Toungoo.
Do. Moung Kyaw Zan Hla Prome.
Do. Moung Tsouk do. Mengdoon.

No. 350 of 30th November 1869.

34. The number of persons under trial during the year in the Courts of the several Magistrates was as below:— Work done.

Year.	Class of Offence.	Under trial from previous year.	Brought to trial during the year.	Total.	Disposed of.				Pending trial.
					Committed.	Convicted.	Acquitted.	Otherwise disposed of.	
1868	Bailable	102	17,191	17,293	1	8,626	8,567	10	89
	Non Bailable.	40	4,616	4,656	77	2,694	1,798	27	60
	Total..	142	21,807	21,949	78	11,320	10,365	37	149
1869	Bailable	89	22,916	23,005	6	11,228	10,763	788	222
	Non Bailable.	61	5,751	5,812	177	3,370	2,140	21	90
	Total..	150	28,667	28,817	183	14,598	12,903	809	312

The column of committals shewing 183, includes also all the committals from the Magistrate of Rangoon and the Cantonment Magistrate to the Court of the Recorder.

35. The percentage of cases disposed of and pending for the year, as compared with 1868, has been:—

	1868.	1869.
Committed	0·35	0·64
Convicted	51·60	50·66
Acquitted	47·20	44·78
Otherwise disposed of	0·17	2·81
Pending	0·68	1·09
Fractions	0	2
Total	100·00	100·00

The results are not very dissimilar to those of last year. About 2½ per cent less of those charged, were acquitted, one

per cent less convicted, ½ per cent more pending, and the number otherwise disposed of is about 2¾ per cent more than in 1868.

36. The proportion of persons brought to trial, for Bailable and for Non-Bailable offences, to the population has slightly increased. In the former by 0·33 and in the latter by 0·06 per cent.

37. The proportion of commitments and convictions to the number of persons brought to trial on Bailable offences is the same as last year. In Non-Bailable offences, it has increased by 3 per cent.

38. The Fines both imposed and also realized, have increased in amount. Of Rupees, 1,68,314 imposed, Rupees 1,16,584 were paid, which is Rupees 9,564 in excess of 1868.

39. The number of cases was 3,764 in the Town and Cantonment Courts of Rangoon and 11,161 in the Districts, totalling 14,925, this being 3,391 cases in excess of the previous year.

40. The average duration of cases throughout the Division has been about 5 days. The Town Magistrate of Rangoon and the Districts of Bassein and Prome have this mean. In Myanoung a case takes 4 days to decide. The shortest duration is in the Courts of the Cantonment Magistrate and Toungoo in each 3 days.

41. Rangoon has I am sorry to observe still further retrograded.

The average time in this District is 9 days to each case.

In turning to the District Report for explanation, I find that the Officer in this District who got through his cases most rapidly was Mr. Charles Duke the Assistant Commissioner of Yandoon, who had an average of 3 days, while Major Davies the Deputy Commissioner took 40 days; Mr. Beddy decided 6 cases and took 20 days to decide each case, while Messrs. Lonsdale and Gower took 15.

42. The Deputy Commissioner ascribes the large average in the Deputy Commissioner's Court to the change amongst Officers and each Officer finding arrears of all kinds to be worked off; to frequent calls to the District, &c.

Neither Major Lloyd nor yet Mr. Beddy would appear to have left any cases undisposed of, the former finishing his 23

cases and the latter his 6 cases, as shown in the 12th para. of the Deputy Commissioner's Report.

43. Many of the cases tried towards the end of the year Major Davies says were of old standing, the disposal of those newly instituted did not average more than a few days.

Yet 40 days certainly is an average that ought not to be in a District Deputy Commissioner's Court. As to the time Mr. Beddy took, he was broken down in health and had to leave, but both Mr. Lonsdale and Mr. Gower ought to have worked off their cases more quickly than in 15 days each case.

This is sought to be excused by the statement, that the length of time was partially due to omissions on the part of the Police to send in witnesses, &c. But this should have been seen to and remedied. If the Subordinate Police do not do their work, there is a Superintendent.

44. In Bassein, the Deputy Commissioner's file, I also regret to see, shows an increase in average from 7 to 14 days. But then, says Captain Pemberton, during three months there was no Deputy Commissioner, that is, he was absent.

45. The improvement in Myanoung in the Deputy Commissioner's Court is very satisfactory. The average 15 days in 1868 having fallen to 5 in 1869.

46. In Prome the duration in the Deputy Commissioner's Court remained the same, *viz*: 8 days. The duration in the Assistant Commissioner's Court has increased from 4 to 7 days for each case.

47. The average duration in Toungoo, is the least of all. There the Deputy Commissioner takes only 2 or 3 days to a case, and the Assistant Commissioner on an average about 2, an example that it is wished the Judicial Officers in Rangoon, would follow.

48. What is wanted, is not long reports but work sharply done, especially where there are prisoners under trial, who are entitled to have their cases promptly disposed of by the Magistrate.

49. The Witnesses' file shows very fairly. Of 35,860, 29-258 or more than 4-5th were allowed to go in a single day and 4,227 in 2 days time. There were only 34 delayed beyond 8 days and none of them in either Rangoon, Bassein or

Toungoo. In Rangoon Town and Cantonment, no witnesses were kept beyond a single day.

Punishments.

50. The punishments awarded by the several classes of Magistrates were as below :—

Imprisonment.	7 Years and above 2 years under special powers.	227
	2 Years and under.	864
	6 Months and under. } 1 Month and under. }	2,867
	Fined (Simple)	9,441
	Whipped (Simple)	84
	Security demanded	468
	Entered into recognizance, warned, &c.	647
	Total...	14,598

The amount of Fines was 1,68,315 Rs. compared with Rs. 1,50,573 of the previous year. Of this Rs. 1,16,944 were realized and Rs. 10,462 were ordered to be paid in compensation, if realized.

Appeals from Subordinate Magistrates to Magistrate of the District.

51. These were as below :—

Districts.	Total during the year.	Rejected.	Confirmed.	Reversed or Modified.	Pending.
Rangoon.	14	2	5	7	0
Bassein.	11	2	7	1	1*
Myanoung.	18	6	7	5	0
Prome.	34	5	13	13	3
Toungoo.	19	0	8	11	0
	96	15	40	37	4

* Returned for investigation or revision.

SECTION III.

THE ACTION OF THE MAGISTRATES IN RESPECT TO THE CONVICTION OF PERSONS OF BAD LIVELIHOOD.

52. Cases as below, were dealt within the several Districts, not including the Town or Cantonment of Rangoon.

1868.			1869.	
Cases.	Persons.	Districts.	Cases.	Persons
18	52	Rangoon ...	29	81
18	44	Bassein ...	15	48
25	28	Myanoung ...	215	344
93	185	Prome ...	107	192
8	16	Toungoo ...	10	15

53. The convictions were:—

Rangoon 47, Bassein 44, Myanoung 192, Prome 125, Toungoo 8.

54. The Officiating Deputy Commissioner of Rangoon in para. 9 of his Report notes, that the introduction of Rice Mills has tended to deprive hundreds of coolies of employmen thitherto available in the dry season. Of these so affected, he says, many were penniless, and many having come long distances in search of employment, some at least he considers would join the criminal classes.

55. The Deputy Commissioner of Bassein, Captain Pemberton, does not appear to have made any remarks on this important part of the Criminal Report.

56. Captain Plant, Deputy Commissioner of Myanoung, has a plan by which he has the characters of those brought up on charges of Bad livelihood, enquired into by the Subordinate Magistrates and their Proceedings sent in to him with the accused. On these he disposes of the cases.

57. According to the strict wording of Sections 295 and 296 of the Code of Criminal Procedure, this would appear to be irregular, for the evidence ought to be taken by the Magistrate himself. But I would invite the Chief Commissioner's attention to what Captain Plant advances; for if the practice in his District is allowable, it is evident that it is a great boon to the witnesses and from

their not being deterred by the prospect of being sent far distances to the Magistrates' Court, there is more likelihood of those of Bad livelihood being proceeded against; to say nought of the great convenience to the District Magistrate himself.

58. In Prome, Colonel Horace Browne, reflects on the two Magistrates with full powers, whom he had to assist him during the year, not working the provisions of the Code regarding vagabonds and people of Bad livelihood as they should have. A course he says of one of these Officer's decisions in Bad livelihood cases would do infinite harm in the Prome District. It is hoped, that this may be amended before next report.

59. Captain Hughes, (Toungoo) certifies that the desirability of enforcing the provisions of Section 295 of Act XXV has been closely observed, as a principal preventive against crime, when exercised with judgment.

60. Intimately connected with the working of the Sections is the manner in which the Gambling Act is enforced. Every possible facility should be afforded to the Magistrates to put down gambling.

61. The Toddy shops also, which Sir Arthur Phayre considered a desideratum in the interior of the country, I fear are places not so much resorted to by honest agriculturists after a day's hard work for a refreshing draught, as by all the loose young fellows in each village.

SECTION IV.

SUMMARY OF CRIMES ATTENDED WITH VIOLENCE AND THE SUCCESS OF THE DISTRICT POLICE IN SUPPRESSING SUCH.

62. I have been in the habit for some time now of drawing out monthly Memoranda of the violent crime in the interior of the Division, and of circulating copies of the same to the District Officers, both with the view of keeping them informed of the state of crime in other parts of the country and also of inciting them and the Police Superintendents to greater exertion, in keeping their own Districts comparatively free.

63. The above, District by District is extracted from these Memoranda.

Rangoon District.

Month.	Dacoities.			Robberies.			Total Dacoities and Robberies.	Murders and Culpable Homicide.
	With Murder.	With Wounding.	Simple.	With Murder.	With Wounding.	Simple.		
January.	...	...	3	...	1	4	8	.....
February.	...	...	4	...	...	4	8	1
March.	...	1	2	...	...	1	4	2
April.	...	1	3	...	...	2	6	.....
May.	...	...	2	...	...	2	4	1
June.	...	...	2	...	...	2	4	1
July.	...	...	1	...	...	1	2	.....
August.	...	...	2	...	1	1	4	2
September.	...	...	3	...	...	...	3	1
October.	...	...	...	...	...	...	.....	.....
November.	...	...	3	...	...	...	3	2
December.	1	...	3	...	...	4	8	1
Total ...	1	2	28	...	2	21	54	11

Bassein District.

January.	...	...	1	...	...	1	2	.....
February.	...	...	...	...	...	3	3	1
March.	...	1	3	...	...	2	6	.....
April.	1	...	1	...	1	3	6	.....
May.	1	...	1	...	...	...	2	.....
June.	...	...	...	...	1	...	1	.....
July.	...	...	2	...	...	1	3	.....
August.	1	...	...	...	1	...	2	.....
September.	...	...	...	...	...	1	1	2
October.	...	...	...	...	...	2	2	2
November.	...	...	...	...	...	1	1	2
December.	...	...	...	...	...	1	1	.....
Total ...	3	1	8	...	3	15	30	7

MYANOUNG DISTRICT.

MONTH.	Dacoities.			Robberies.			Total Dacoities and Robberies.	Murders and Culpable Homicides.
	With Murder.	With Wounding.	Simple.	With Murder	With Wounding.	Simple.		
January.	...	...	4	...	1	2	7	1
February.	...	1	2	1	...	8	12	...
March.	...	2	2	...	1	2	7	...
April.	...	...	...	...	4	2	6	...
May.	...	...	1	...	...	4	5	...
June.	...	...	...	...	1	2	3	2
July.	...	...	...	...	2	...	2	...
August.	...	...	...	...	1	1	2	1
September.	...	...	...	...	1	...	1	...
October.	...	...	1	...	...	1	2	...
November.	...	1	1	...	...	1	3	1
December.	...	...	1	...	...	1	2	1
Total ...	...	4	12	1	11	24	52	6

PROME DISTRICT.

January.	...	...	...	...	...	3	3	...
February.	...	...	1	...	...	2	3	3
March.	...	...	3	...	...	...	3	...
April.	...	...	...	...	...	3	3	2
May.	...	...	5	...	...	4	9	2
June.	...	...	...	...	1	3	4	1
July.	...	...	...	...	...	1	1	1
August.	...	...	5	...	1	5	11	1
September.	...	2	4	...	4	2	12	...
October.	...	...	1	...	1	4	6	3
November.	...	...	...	...	...	1	1	2
December.	...	1	...	1	1	1	4	...
Total ...	...	3	19	1	8	29	60	15

TOUNGOO DISTRICT.

MONTH.	Dacoities.			Robberies.			Total Dacoities and Robberies.	Murders and Culpable Homicides.
	With Murder	With Wounding.	Simple.	With Murder.	With Wounding.	Simple.		
January.	0	0	0	1	0	1	2	2
February.	0	0	1	0	0	0	1	0
March.	1	0	0	0	0	2	3	0
April.	0	0	1	0	0	1	2	1
May.	0	0	0	0	0	0	0	1
June.	0	0	0	0	0	0	0	0
July.	0	0	0	0	0	0	0	0
August.	0	0	0	0	0	1	1	0
September	0	0	0	0	0	1	1	0
October.	0	0	0	0	0	0	0	1
November.	0	0	1	1	0	3	5	0
December.	0	0	1	0	0	1	2	0
Total ...	1	0	4	2	0	10	17	5

64. Abstract of the above.

Rangoon.	1	2	28	0	2	21	54	11
Bassein.	3	1	8	0	3	15	30	7
Myanoung.	0	4	12	1	11	24	52	6
Prome.	0	3	19	1	8	29	60	15
Toungoo	1	0	4	2	0	10	17	5
Total .	5	10	71	4	24	99	213	44

65. Compared with the previous year, the crime stands thus:—

1868.				1869.		
Dacoities.	Robberies.	Total		Dacoities.	Robberies.	Total.
23	23	46	Rangoon ...	31	23	54
17	22	39	Bassein.....	12	18	30
14	36	50	Myanoung .	16	36	52
74	76	150	Prome.....	22	38	60
11	11	22	Toungoo....	5	12	17
139	168	307	Total	86	127	213

66. It is a matter of great concern that crime should have shown no tendency to decrease in the Rangoon District. An average of 2½ Dacoities and 2 Robberies a month, is far too high for this District, and its behaviour at the end of the year was only an index to its bad conduct in 1870.

67. In Prome, violent crime has sensibly decreased, although still too frequent. It must be remembered however that it is a border District, and much exposed to border depredations. This might also be said of Toungoo, but that District has always been a remarkably quiet one.

68. The Memoranda noted above shew, that altogether the total crime in Myanoung in 1869 exceeds the past, that in 1868, by 2 Dacoities, the greater portion of the violent crime occurred in the first 5 months of the year, since when Captain Plant and his Superintendent of Police have succeeded in keeping such down to a total average of about 2 Dacoities and Robberies per month.

69. Bassein is rather better than it was in 1868, nearly 28 per cent.

70. The total decrease from 139 to 86 in Dacoities, from 168 to 127 in Robberies, or from 307 to 213 in all for the interior of the Division, shows that the Police has done its duty better, but this sort of crime is, it is admitted, still far too rife.

71. I shall now see what the Deputy Commissioners of each District say, in respect to crime, in their several jurisdictions.

72. In Rangoon District the increase of crime is ascribed to a variety of reasons by the Deputy Commissioner:—

(i.)—The District Magistrate and the Superintendent of Police being changed no less than three times during the year, also some of the Assistant Commissioners.

(ii.)—The limited Magisterial powers entrusted to the Subordinate Magistrates.

(iii.)—Their being debarred from exercising a proper supervision over the Police.

(iv.)—The Criminal classes being used formerly by the Superintendent of Police as detectives instead of the Constabulary.

(v.)—The Police being recruited from the less respectable portion of the people.

(vi.)—The inadequacy in number of the Police Force to repress the criminal population.

(vii.)—The introduction of Rice Mills.

(viii.)—The increased consumption of Opium.

(ix.)— Do. do. of Liquor.

(x.)—The temporary calling in of old arms licenses for renewal, and delay in issuing fresh ones.

73. All the above Major Davies considers as apparently a sufficient excuse for the bad conduct of the Rangoon District.

74. They are all causes however (except perhaps the Rice Mills) which operate equally in the other Districts even the temporary calling in of arms licenses.

75. Being desirous of understanding how Major Davies attributed the increase of crime in his District to the renewal of arms licenses I made enquiry of him, when he explained that although the *arms* were not called in when the licenses were sought to be renewed—yet as people found a difficulty in getting *ammunition* unless they were able to shew licenses to carry arms, this encouraged the evilly disposed.

76. The idea appearing to me to be worth looking into, I made other enquiries with the following results:—

77. The Superintendent of Police of Rangoon, Major Duval, informed me that he had no reason to suppose that the withdrawal of the Licenses in any way caused an increase of crime, and with regard to the people being able to obtain powder, he could only say, that although he had been moving a great deal in the District and had conversed with rich and poor alike, no complaint had reached him on the subject.

He noted also as a singular circumstance that in two late Dacoities, the dacoits themselves had no fire arms, whereas in the villages in which the crimes occurred there were several *loaded* muskets, but the villagers did not choose to use them. He said that the people have little or no difficulty in getting gunpowder, that almost any Burman sportsman knows how to make gunpowder, and all over the country these sportsmen are to be found.

78. Captain Plant, the Deputy Commissioner of Myanoung, (Henzada,) stated that he could in no way see how crime in a District could be affected or even the peace of the same could be endangered, by the simply calling in of arms licenses for renewal. The people were not deprived of the weapons held under their licenses, and consequently were not rendered less able to defend themselves and property against bad characters. He very logically remarked also that if the calling for renewal of their licenses caused a remarkable increase in crime in one District, the effect in other Districts should be somewhat similar, whereas in *his* District a sensible *decrease* in crime had occurred.

79. Mr. Doyle, the Superintendent of Police of Myanoung, who, before Major Duval, had charge of Rangoon (as now of Myanoung) District, said that in neither District did he find that the order which emanated regarding the temporary calling in of musket licenses affected the crime except in the way of small extortion by underlings in a few instances under pretence of getting the license back.

In fact he was of opinion that instead of *increasing* crime the finding that a kind of watch was organized, made people more careful about lending their guns to others who might perhaps employ them for bad purposes.

80. Major Munro, Deputy Commissioner Prome, considered there was no reason to suppose that calling in the licenses affected the crime in the District in any way whatever, and he felt satisfied it did not do so, and proved it by Statistics.

81. Colonel Horace Browne, Thayetmyo, also certified that the violent crime of the Prome District of which Thayetmyo then formed part was not affected in any way by the calling in of the old arms licenses for renewal.

82. Even in Bassein where owing to a misapprehension, on the part of the Officers at that time in charge, not only the licenses were called in but also the arms, violent crime instead of increasing, decreased.

83. I am perfectly satisfied therefore that the calling in of the old licenses for examination and renewal had nothing whatever to do with the increase or decrease of crime in the Rangoon District—and as to the explanation that this *might* have given some encouragement to violent crime, one of the Deputy Commissioners has remarked, the recent order prohibiting the granting of licenses for the sale of ammunition any-

where except in the sea-port towns will be a much more effectual bar in the way of license holders in the interior procuring ammunition than was the temporary withdrawal of the licenses.

84. I regret that an explanation of this sort, for the increase of violent crime in his District, should have been put forward by Major Davies; the more especially as I had occasion to write sharply to him about that crime, and as the order calling in the licenses for renewal was one issued by myself.

85. In respect to the suppression of violent crime, the Deputy Commissioner notes that in preventive control over Robbery and Dacoity, the Police of the Rangoon District have failed, notwithstanding the strenuous exertions of the former and present Superintendents of Police who have done all they could with the limited number of men at their command.

86. In respect to Major Duval, it is recorded-that he was new to the District, but unceasing in his efforts to bring crime to light and criminals to justice.

87. In the Bassein District, the Deputy Commissioner, Captain Pemberton, considers the working of the Police to have improved during the year, a greater number of offenders having been convicted with a larger proportion of convictions to prosecutions, Dacoity and Robbery had both decreased, and the Police are awarded credit for the work done by them; "considering the difficulties they labor under in a country "which has been over-run by Dacoits, in one portion of it, "for some years, and considering also the insufficient Euro- "pean superintendence."

88. In Myanoung, the Deputy Commissioner reports that there was an improvement in bringing home Heinous crime, and he certifies to the Magistracy and the Police working well together, and that there was no disagreement or discord between them.

89. The Razawoot Goungs in this District are allowed to be a most useful adjunct to the regular Police. The Thoogyees also have been called into aid in detecting, preventing and putting down crime.

90. Both Major Duval and Mr. Doyle, Superintendents of Police are mentioned with approval, but especially Mr. Hildebrand, Officiating Assistant Superintendent of Police.

This Officer is of great value and assistance in keeping down the crime of the District.

It is a matter to be regretted, that his standing in the gradation list has not allowed him to be selected for the charge of a District, except temporarily.

91. In the Prome District, Lieutenant Colonel Horace Browne notices, that the increase of pay to the lower grades of the Police has already produced a decided improvement in the *morale* and usefulness of the force.

92. Colonel Browne, accords praise to the Officer who superintended the Police of the District during the year, (Captain Thomas Lowndes), and declares that it was owing to his exertions that the District owed much of the comparative immunity from violent crime which it has enjoyed during the year. Captain Lowndes is an Officer who has worked heartily with both Colonel Horace Browne and also his predecessor, Captain Street, who likewise had a high sense of his ability and zeal.

93. Certain it is that where such qualities are found in an Officer in Captain Lowndes' position, it only requires a cordial understanding and mutual confidence between him and the District Magistrate to keep down violent or open crime.

94. The number of persons sent in by the Police in the interior of the Districts, as compared with the totals of those brought before the Magistrates was :—

Rangoon 1,467	out of 3,935	or 37.28	per cent
Bassein.....1,611	„ 3,741	„ 43.06	„
Myanoung.....2,560	„ 5,033	„ 58.64	„
Prome 3,844	„ 6,771	„ 56.77	„
Toungoo..... 408	„ 1,113	„ 36.65	„
Total...9,890	„ 20,593	average 48.02	„

95. Of Gambling, one of the fertile sources of Dacoity, Robbery and other offences against property, the Magistrates thus write :—

RANGOON.

96. Gambling has doubtless very "much increased since "this act was extended to the Province, owing to the facility "with which it can be evaded."

BASSEIN.

97. "In cases under Special and Local laws * *, the

"greatest increase has been in cases under the Gambling "Act."

The Deputy Commissioner does not appear to offer any remarks.

MYANOUNG.

98. There were 15 cases in the prosecution of 143 persons under the Gambling Act (III of 1867.) This by no means represents the amount of gambling which goes on in the District, and the Magistrate still holds the same opinion in the Act which he held last year, *viz:* that the limiting the provisions of the Act to certain bounds tends to increase gambling, as the Act is inoperative beyond those limits unless carried on openly in a public place. It would be advisable, the Magistrate thinks, to extend the provision of the Act to any village in which a paid Official resides, that is, where a Thoogyee or Goung lives. This, Captain Plant thinks would be some improvement on the present orders which restrict the working of the Act to the limits of the Municipal Towns only.

PROME.

99. The special Sections of the Gambling Act were in force during the year in the following Towns of this District only:—Prome, Shwè-doung, Padoung, Poungday, and Thayetmyo. The extension of the Sections to other Towns will be recommended. The number of persons tried for gambling shows an increase.

100. The increase of *Cattle Theft* also is an indication, whether the Police is active in the performance of its work.

I think that the Returns should provide for this class of offence being shewn separately. There is as much difference between a Cattle Theft, and an ordinary Petty Larceny of small property, as between a heavy Dacoity and a Robbery committed by one or two persons without aggravating circumstances.

101. In Rangoon there were 67 of Cattle, out of 601 Thefts, shewing an increase of 20. Major Davies however notices that many of the cases appeared to arise out of motives of extortion—Cattle being taken from a grazing ground on purpose to extort a reward for their recovery.

102. Neither the Bassein nor the Myanoung Deputy Commissioners appear to have noted Cattle theft especially in their Reports, but Captain Forbes, Assistant Commissioner of Tharrawaddy commends the energy of Mr. Hildebrand the Assis-

tant Superintendent of Police, citing as one of his reasons, the fact that "for the last 3 months since his arrival the monthly "average of Cattle theft has been 4 against 20 cases for the "remaining months of the year." From this it will be seen that Cattle theft which is a crime of the most serious kind, is very prevalent, and has a tendency to be so, if not checked by Police action.

103. In Prome, Colonel Horace Browne shews that Cattle stealing has increased in a very unsatisfactory manner *viz.*, at the rate of about 100 every year from 261 cases in 1866 to 563 in 1869.

104. When I was Deputy Commissioner of Prome I recommended the establishment of a system of passes somewhat similar to what was afterwards ordered in England when the "rinderpest" broke out.

This idea appears to have developed itself into having Cattle markets for the open sale of Cattle, so as to allow persons facilities of purchase in an unobjectionable manner, and at the same time keep down Cattle stealing.

105. Owing to representations of the then Deputy Commissioner, Captain Watson, the fairs which actually were not only a great convenience but also a source of profit to the District Fund from the small fees paid by purchasers, were discontinued in 1869.

Colonel Horace Browne thinks their being abolished has encouraged the increase of this crime to the suppression of which the best efforts of the Deputy Commissioners should be directed.

106. In Toungoo also the proportion of Cattle stealing to other discriptions of Theft is reported to be very high, 34 out of 64.

Both Prome and Toungoo are frontier Districts, and crime of this description is always fertile in border tracts.

107. From what I have noted above under this head, I am inclined to believe that the Police in the Districts as a body has somewhat improved, owing no doubt to increased pay attracting a better class of men. But it is also evident that much still has to be done to make the force as effective, or efficient, as it should be.

At the same time it is very satisfactory to see the assurance of good will and active co-operation which most of the

District Magistrates have placed on record, in speaking of their Superintendents of Police.

SECTION V.

CONCLUDING REMARKS.

108. During the year 1869 some Acts of the Legislative Council of a general nature have come into force in Burma; for instance:—

Act II of 1869, for the appointment of Justices of the Peace.
Act XV of 1869, the Prisoners' Testimony Act.
Act XXI of 1869, the European Vagrancy Act.

109. The want of a Domestic servants Act is again noticed. The observations of the Cantonment Magistrate of Rangoon on this subject are invited attention to.

110. The remarks also of the Town Magistrate on Gambling in the Town of Rangoon, on the Hoyes or Trade Unions amongst the Chinese; and on the punishment awardable for Bad livelihood, in failure of security being found, are worthy of perusal.

111. The Commissioner went on Circuit during the year as below:—

To Stations on the Irrawaddy..	13th January.
Returned	8th March.
To Henzada and Bassein.....	28th May.
Returned	13th June.
To Stations on the Irrawaddy..	25th September.
Returned	25th October.
To Bassein.....	26th November.
Returned	14th December.

As Toungoo has been since transferred to the Tenasserim Division, the Commissioner's visit to it during this year, is also noted.

To Toungoo 15th February. Returned 7th March.

112. The Books and Registers of the several District Magistrates were all examined and generally found to be correct. Remarks were made where any were found nccessary or called for.

The District Officers' Reports shew that their inspection of the other Court Books and Registers was duly made.

113. The usual thanks are due to all the District Officers.

114. Major Davies, the Officiating Deputy Commissioner of Rangoon, labored under the great disadvantage of having

been transferred from a Secretary's desk to the charge of the most important District in the Province, without any previous experience whatever as a Magistrate, or more knowledge of Criminal duties than he had to perform as Adjutant of a Bengal Native Infantry Corps in conducting Regimental Courts Martial.

He is a plodding Officer however, endeavours to get through his work and gives a full allowance of time at his office.

115. Captain Pemberton does not excel in writing a Report, and has not originated many new ideas but has done his work steadily and fairly.

116. Captain Plant is a valuable Officer, and is also particularly fortunate in having the Police assistance he has had in keeping his District quiet. I should be very sorry if anything occurred to deprive me of the services of this gentleman.

117. Lieutenant Colonel Horace Browne is as a Judicial Officer, one of the best in the Province. His qualifications are well known to the Chief Commissioner.

118. Captain Hughes pays great attention to his work, and there is nothing in his District in which he does not take a lively interest.

119. Of the Assistant Commissioners, I beg to note Major Munro, now Deputy Commissioner of Prome, who conducted the duties at Thayetmyo during the year; Mr. Forbes, the Assistant Commissioner of Tharrawaddy, a hard working Officer; Mr. C. A. Duke, Assistant Commissioner at Yandoon; Lieutenant Poole, Assistant Commissioner at Myanoung; Mr. Perreau, Assistant Commissioner at Nga Thainghyoung; Mr. Clifford Lloyd, Assistant Commissioner at Bassein, and Mr. Gower, Assistant Commissioner of Rangoon; also Moung Kyaw Doon, Extra Assistant Commissioner of Henzada.

120. I beg also to request the Chief Commissioner's favorable notice of Captain Evanson, who performed the arduous duties of both Town and Cantonment Magistrate during a considerable portion of the year with great satisfaction to every person.

121. In closing and submitting the report, I hope it will be favorably received, and that the Chief Commissioner will be pleased with the work performed during the year, by the several Officers.

REPORT

OF THE

SESSIONS JUDGE OF TENASSERIM,

FOR 1869.

1. The usual Criminal Statements are submitted with this Report together with the Reports of Deputy Commissioners in Original.

A.—Abstract Statement of Criminal cases brought to trial and disposed of.

B.—Statement showing the duration of cases and detention of witnesses.

C.—Statement of Criminal Justice in Magistrates' Courts.

D 1.—Statement showing Sessions trials and Appeals by the Commissioner.

D 2.—Statement showing Sessions trials by Deputy Commissioners.

Whipping cases and Appeals under Act VI of 1864, Returns A, B, and C.

2 Sessions Judge's Statements Nos. I to VII.

District Magistrates Statements Nos. I to VIII.

2. Lieutenant Colonel E. M. Ryan, held the office of Sessions Judge throughout the year.

Amherst District.

3. The Office of Magistrate was held by Captain Horace A. Browne, from 1st January to 19th February 1869; Major A. G. Duff, from 20th February to end of the year.

4. The Assistant Magistrates at the Head Quarter Maulmain, were Mr. G. E. Barr, from 1st January to 29th October 1869; Lieutenant J. Butler, for the rest of the year. Captain G. E. Fryer, was Subordinate Magistrate of the Amherst Sub-Division throughout the year. The Assistant Magistrate's Office of Martaban Sub-Division was held by Mr. C. J. F. S. Forbes, from 1st January to 6th July, and by Lieutenant St. John, from 7th July to the end of the year. Moung Byaw, was Extra Assistant Commissioner 1st class of the Kaukarit Sub-division throughout the year. Eleven Extra Assistant Commissioners with powers of a Subordinate Magistrate 2nd class.

Maulmain Town.

5. The Officers who held Office during the year were Mr.

G. E. Barr, from 1st to 22nd January and from the 23rd October till the end of the year, a period of 3 months, and Captain W. W. Pemberton, from 23rd January to 22nd October 1869, being 9 months.

TAVOY DISTRICT

6. The Office of Magistrate was held by Lieutenant Colonel G. Faithfull, the whole year. The Subordinate Magistrates were:—

Moung Shwè Kyee.	Extra Assistant Commissioner		2nd class.
Moung Shwè Att,	do.	do.	3rd „
Moung Shwè Go,	do.	do.	3rd „
Moung Shwè Hlaw,	do.	do.	3rd „

MERGUI DISTRICT.

7. Mr. T. Shepherd, was Magistrate throughout the year. The Subordinate Magistrates were:—

Moung Shwè Bo,	Extra Assistant Commissioner		2nd class.
Moung Shwè Go,	do.	do.	3rd „

from 1st January to 15th December 1869. Moung Tha Noh, Officiating Extra Assistant Commissioner, from 16th to end of the year.

Moung Htoon Oung, Extra Assistant Commissioner, throughout the year.

Moung Tsain Ngyo do. do.

SHWE-GYEEN DISTRICT.

8. The Office of District Magistrate was held by Captain C. E. Watson, from 1st January to 6th December, and by Mr. J. C. Davis, from 7th to 31st December 1869. The Assistant Magistrates were Mr. Buckle, of the Yoonzaleen Sub-division during the 1st half, and Mr A. Hough, during the latter half of the year. In the Sittang Sub-division, Mr. Hough held Office during the 1st and Mr. Buckle, during the 2nd half of the year. Both these Officers have been invested with full powers of a Magistrate.

9. The other Assistant or Subordinate Magistrates were Moung Ngyaing, Extra Assistant Commissioner 2nd class

Moung Hmat, Extra Assistant Commissioner 3rd class of Sittang Township.

Moung Hpo, Extra Assistant Commissioner 3rd class of Shwè-Gyeen Township.

Moung Wetgalay, Extra Assistant Commissioner 3rd class of Beeling and Kykehto Township.

Moung Taw, Extra Assistant Commissioner 3rd class of Kyouk-Kyee Township, and Moung Kya-Nyeo, Extra Assistant Commissioner 3rd class of Yoonzaleen Township.

10. The following table will show at a glance the number of offences ascertained to have been committed in each District of this Division, in Non-Bailable, Bailable and under Special and Local Laws as compared with the previous year :—

Districts.	Offences.	1868.	1869.	Increase.	Decrease.
Amherst ...	Non-Bailable ...	804	671	...	133
	Bailable ...	662	796	134	...
	Special & Local Laws.	147	300	153	...
	Total ...	1613	1767	287	133
Maulmain Town ...	Non-Bailable ...	375	268	...	104
	Bailable ...	770	907	137	...
	Special & Local Laws.	600	680	80	...
	Total ...	1742	1855	217	104
Tavoy ...	Non-Bailable ...	155	136	...	19
	Bailable ...	168	185	17	...
	Special & Local Laws.	24	36	12	...
	Total ...	347	357	29	19
Mergui ..	Non-Bailable ...	89	53	...	36
	Bailable ...	309	247	...	62
	Special & Local Laws.	34	58	24	...
	Total ...	432	358	24	98
Shwé-Gyeen	Non-Bailable ...	297	297	...	...
	Bailable ...	511	484	...	27
	Special & Local Laws.	125	110	...	15
	Total ...	933	891	...	42
	Abstract.				
Tenasserim Division ...	Non-Bailable ...	1717	1425	...	292
	Bailable ...	2420	2619	199	...
	Special & Local Laws	930	1184	254	...
	Grand Total ...	5067	5228	453	292

11. From the above figures it will be observed that Non-Bailable offences have decreased in all Districts by no less than 292, the decrease is chiefly in the Amherst District and Maulmain Town.

12. The increase in Bailable offences amounts to 199, but it is confined to petty cases such as "Assaults," "Insults," &c.

13. The increase in crime under Special and Local Laws is due to cases under "Breach of Abkaree Rules," "Police Act V of 1861," and "Seamen cases under Act I of 1859." It is satisfactory to observe that crime of the most serious nature has decreased, the decrease is principally in "House-breaking," and "Thefts."

14. The number of cases pending trial at the close of the years 1868 and 1869 for each District of this Division was as follows:—

Districts.	Years.	Pending trials.							
		Non-Bailable.		Bailable.		Special & Local Laws.		Total.	
		Cases.	Persons.	Cases.	Persons	Cases.	Persons	Cases.	Persons
Amherst,	1868	7	11	12	22	2	3	21	36
	1869	2	2	27	119	5	10	34	131
Maulmain Town,	1868	1	1	26	46	2	2	29	49
	1869	...	...	5	13	1	1	6	14
Tavoy,	1868	...	...	3	7	...	...	3	7
	1869	...	...	1	1	...	...	1	1
Mergui,	1868	...	...	...	...	...	...	...	...
	1869	...	...	...	...	..	...	...	...
Shwè-gyeen,	1868	1	1	5	21	...	...	6	22
	1869	1	1	...	...	..	...	1	1
Total	1868	9	13	46	96	4	5	59	114
	1869	3	3	33	133	6	11	42	147

15. The above shows on the whole a decrease of 17 pending cases as compared with last year. Of 147 persons await-

ing trial at the close of the year, only 6 were in custody and the remainder 141 at large, of these 14 persons were on "Bail" and 127 on "Recognizance." The number of cases and persons pending trial in the Amherst District under heading "Bailable" offences appears large, but this, the Deputy Commissioner remarks is mainly owing to a large number of persons being charged with "Trespass" and "Unlawful assembly" at the close of the year.

16. The Statement which follows exhibits the total number of persons under trial in each District for the last two years.

Districts.	Years.	Persons under trial including those pending from last year.			
		Non-Bailable.	Bailable.	Special and Local Laws.	Total.
		Persons.	Persons.	Persons.	Persons.
Amherst, - -	1868	627	1087	218	1932
	1869	434	1472	488	2394
Maulmain Town,	1868	206	1394	2300	3900
	1869	201	1721	1815	3737
Tavoy, - - -	1868	78	277	113	468
	1869	76	290	65	431
Mergui, - - -	1868	51	464	66	581
	1869	39	351	97	487
Shwè-gyeen, -	1868	172	798	345	1315
	1869	238	735	352	1325
Total.....	1868	1134	4020	3042	8196
	1869	988	4569	2817	8374

17. The total number of persons brought to trial in 1869 as compared with 1868 for Non-Bailable offences, shows a decrease of 146 persons. In Bailable offences there was an increase of 549 persons and under Special and Local Laws a decrease of 225 persons.

18. The following Return shows the result of disposals in Criminal work by the several Districts and minor Courts of this Division as compared with the previous year:—

Districts.	Results of Disposals.	Non-Bailable.		Bailable.		Special and Local Laws.		Total.	
		1868.	1869.	1868.	1869.	1868.	1869.	1868.	1869.
		Persons.	Persons.	Persons.	Persons	Persons.	Persons.	Persons.	Persons.
Amherst...	Committed. ...	19	18	3	3	.....	.....	20	21
	Convicted. ...	272	202	466	559	149	278	887	1039
	Acquitted. ...	321	210	592	791	66	200	979	1201
	Total ...	612	430	1061	1353	215	478	1888	2261
Maulmain Town. ...	Committed. ...	14	23	2	.....	.....	.....	16	23
	Convicted. ...	132	112	435	468	1913	1362	2480	1942
	Acquitted. ...	59	65	911	1239	385	452	1355	1756
	Total ...	205	200	1348	1707	2298	1814	3851	3721
Tavoy.	Committed. ...	1	2	.....	.....	.....	.....	1	2
	Convicted. ...	59	67	124	113	105	44	288	224
	Acquitted. ...	18	7	146	176	8	21	172	204
	Total ...	78	76	270	289	113	65	461	430
Mergui. ...	Committed. ...	1	2	.....	.....	.....	.....	1	2
	Convicted. ...	43	35	342	237	54	81	439	353
	Acquitted. ...	7	2	122	114	12	16	141	132
	Total ...	51	39	464	351	66	97	581	487
Shwè-Gyeen.	Committed. ...	3	8	.....	.....	.....	.....	3	8
	Convicted. ...	132	187	352	308	281	283	765	778
	Acquitted. ...	36	42	425	427	64	69	525	538
	Total ...	171	237	777	735	345	352	1293	1324
Tenasserim Division.	Committed. ...	38	53	5	3	.....	.....	43	56
	Convicted. ...	638	603	1719	1685	2502	2048	4859	4336
	Acquitted. ...	441	326	2196	2747	535	758	3172	3831
	Total ...	1117	982	3920	4435	3037	2806	8074	8223

19. It will be observed from the above table that 8,223 persons were tried in 1869 against 8,074 in 1868. The proportion of acquittals to the number tried for the entire Division is about 47 per cent against 39 of 1868, convictions and commitments show 53 per cent against 61 of 1868.

20. Of the total number under trial in "Non-Bailable

offences" in 1869 nearly 66 per cent were convicted and committed against 59 per cent of 1868.

21. The percentage of convictions, and commitments of persons under "Bailable offences" to the number under trial was 39 per cent in 1869 against 42 in 1868. Of the number of acquittals under the above offences there has been a considerable increase when compared with those of the year before, the percentage obtained was 60 per cent in 1869 against 54 in 1868, a result naturally to be expected from the abolition of Fees in these cases.

22. Of offences under Special and Local Laws 2,817 persons were brought to trial during the year against 3,042 of the year previous— the percentages of convictions to the numbers above shown were 72 per cent in 1869 against 82 in 1868, and of acquittals 26 per cent in 1869 against 11 in 1868.

23. The general analysis of acquittals under each Classification of offences is shewn below :—

Districts.	In Cases.	Number of Persons in			
		Non-Bailable.	Bailable.	Special & Local Laws.	Total.
Amherst	Complaint withdrawn	...	83	3	86
	Acquitted	210	708	197	1115
	Total	210	791	200	1201
Maulmain Town	Complaint withdrawn	...	107	32	139
	Acquitted	65	1132	420	1617
	Total	65	1239	452	1756
Tavoy	Complaint withdrawn	...	68	...	68
	Acquitted	7	108	21	136
	Total	7	176	21	204
Mergui	Complaint withdrawn	...	49	...	49
	Acquitted	2	65	16	83
	Total	2	114	16	132
Shwè-Gyeen	Complaint withdrawn	..	153	...	153
	Acquitted	42	274	69	385
	Total	42	427	69	538
Tenasserim Division	Complaint withdrawn	..	460	35	495
	Acquitted	326	2287	723	3336
	Grand Total	326	2747	758	3831

24. The above shows that out of 3,831 persons acquitted 495 or about 13 per cent represent persons against whom complaints were withdrawn, which if deducted reduces the percentage of acquittals from 46 to 40 per cent to the number tried during the year.

25. The diary of attendance of Witnesses for each District as compared with the previous year is detailed below :—

Districts.	Years.	Number of witnesses discharged after									
		1 Day.	2 Days.	3 do.	4 do.	5 do.	6 do.	7 do.	8 do.	More than 30 days.	Total.
Amherst	1868	2279	121	25	25	33	7	7	20	0	2517
	1869	2691	242	47	37	27	10	2	4	0	3060
Maulmain Town	1868	2593	385	416	77	30	4	0	0	0	3510
	1869	2887	360	169	42	20	0	0	0	0	3478
Tavoy	1868	858	19	5	0	0	0	0	0	0	882
	1869	1109	14	6	0	0	4	0	0	4	1137
Mergui	1868	944	19	3	4	0	0	0	0	0	970
	1869	808	22	7	0	0	0	0	0	0	837
Shwè-Gyeen	1868	1659	116	23	7	1	0	0	0	0	1806
	1869	1855	109	0	0	0	0	0	0	0	1964
Total	1868	8338	660	472	113	64	11	7	20	0	9685
	1869	9350	747	229	79	47	14	2	4	4	10476

26. 10,476 Witnesses or 791 in excess of the past year attended the Courts during the year under report. There has been an improvement in respect to the period of detention of Witnesses in all Districts except Tavoy, where 4 persons have been detained more than 30 days in the Extra Assistant Commissioner's Court of North-East Township, this will be pointed out to the Deputy Commissioner of Tavoy for enquiry and report.

27. The average duration of cases in each District during the years 1868 and 1869 is as below:—

Districts.	Average duration of Cases.	
	1868.	1869.
	Days.	Days.
Amherst	7½	8
Maulmain Town	2	3
Tavoy	5½	5
Mergui	2	2
Shwè-Gyeen	3½	3
Division	4	5

28. The average duration of cases for the Division was only one day more than the year before, the above table speaks most favorably for the Courts of this Division shewing that the speedy trial of Prisoners obtained throughout both years.

Sessions Trial.

29. The following is an abstract comparative Statement showing the number of cases and persons for trial in the Court of the Commissioner of this Division together with the manner of their disposal:—

Districts	Years.	For trial including pending cases.		Convicted.	Acquitted.	Referred to Chief Court	Died.	Pending at the close of the year.	
		Cases.	Persons					Cases.	Persons.
Amherst. - -	1868	15	25	21	2	1	0	1	1
	1869	6	9	4	1	1	0	2	3
Tavoy - - -	1868	1	1	0	0	1	0	0	0
	1869	1	2	1	1	0	0	0	0
Mergui - - -	1868	1	1	1	0	0	0	0	0
	1869	1	2	0	0	0	2	0	0
Shwè-Gyeen -	1868	2	2	2	0	0	0	0	0
	1869	8	9	4	0	0	0	4	5
Total -	1868	19	29	24	2	2	0	1	1
	1869	16	22	9	2	1	2	6	8

30. There were 16 cases involving 22 persons for trial by the Sessions Court, being 3 cases and 7 persons less than the previous year in which the numbers were 19 and 29 respectively. All Sessions trials were held in the Districts from which the commitments were made and in all instances with the aid of two or more Assessors.

The 10 persons punished during the year were sentenced as follows:—

	Person.
Hanged	1
Transported for life	3
Imprisonment for 10 years	3
Do. 6 years	1
Do. 4 do.	1
Do. 2 do.	1
Total ...	10

31. The average time occupied in the trial of each case (not including pending cases) was 53 days.

32. In 6 cases 8 persons remained pending at the close of the year, 2 cases and 3 persons were from Amherst District, and 4 cases and 5 persons from Shwè-Gyeen District. The cases from the former District have since been disposed of, but those of the latter District are pending. In one pending

case from Amherst District the Sessions Judge had to postpone the trial of the Prisoners on account of Mr. Law the Government Advocate, having declined to prosecute on behalf of Government, this matter is still under reference to the Chief Court In all trials the Court agreed with the opinion of the Assessors.

Appeals to Sessions Judge

33. The number and result of Criminal Appeals to the Sessions Court as compared with the previous year are given in the following table :—

Districts	Years.	Appeals preferred in 1869 including pending cases.	Rejected.	Confirmed	Modified.	Reversed.	Pending
Amherst	1868	17	0	10	3	3	1
	1869	15	0	8	4	3	0
Maulmain Town	1868	6	0	6	0	0	0
	1869	1	0	0	0	1	0
Tavoy	1868	4	0	1	3	0	0
	1869	4	0	2	1	1	0
Mergui	1868	6	0	6	0	0	0
	1869	2	0	2	0	0	0
Shwè-Gyeen	1868	7	0	5	2	0	0
	1869	5	0	4	0	1	0
Total ...	1868	40	0	28	8	3	1
	1869	27	0	16	5	6	0

34. During the year the number of Appeals preferred to the Sessions Court was 27 (including one case from last year) being 13 cases less than the preceding year. Of these 27 cases 16 were confirmed, 5 modified and 6 reversed. There were no cases pending at the close of the year. The average duration of each Appeal was 19 days.

35. Major Duff and Captain Watson, have proved themselves good Judicial Officers, especially the former whose Judgments are most clear and lucid.

36. During the year under review the following Officers were invested with enhanced powers under Section 445 A, of Act VIII of 1869, which came in force from 1st June 1869 :—

Major A. G. Duff,	Deputy Commr:	Amherst District.
Lieut. Col. G. Faithfull,	do.	Tavoy do.
T. Shepherd, Esquire,	do.	Mergui do.
Captain C. E. Watson,	do.	Shwè-Gyeen do.

37. Under this new Act the Deputy Commissioner of Amherst District is the only Officer who has tried Sessions cases committed to his Court. There were 7 cases involving 13 persons for trial, of these 8 persons were convicted and 5 acquitted. The 8 persons were sentenced as follows:—

Imprisoned for 6 years.....	3
Do. 5 do.	4
Do. 3 do.	1
Total ...	8

38. The proportion of acquittals to persons tried was 38 per cent and of convictions 61 per cent.

39. The number of Appeals to Magistrates from orders of their Subordinates and the result obtained stands thus for each District:—

Districts.	Years	Appeals preferred during the year (including pending cases)	Rejected	Orders Confirmed.	Orders Modified.	Orders Reversed.	Returned for revision &c	Pending
Amherst	1868	30	5	10	5	6	4	0
	1869	24	3	6	5	10	0	0
Tavoy	1868	8	1	2	1	4	0	0
	1869	15	0	8	0	7	0	0
Mergui..	1868	17	0	10	2	5	0	0
	1869	4	0	1	2	1	0	0
Shwè-Gyeen	1868	21	0	9	6	6	0	0
	1869	18	1	15	0	1	0	1
Total ...	1868	76	6	31	14	21	4	0
	1869	61	4	30	7	19	0	1

40. The aggregate number of Appeals has decreased by one case as compared with the previous year. The number of orders modified and reversed in all Districts except Shwè-Gyeen is large.

41. The remarks made by each District Magistrate on Criminal Appeals preferred to their Courts are quoted below:—

AMHERST.

42. The Deputy Commissioner of Amherst District thus remarks:—

"The result in 1869 is even more unfavorable to the "lower Courts than in 1868, for in the year now under review "no fewer than 15 out of 24 orders or sentences passed by "them had to be reversed or modified, 10 being wholly set "aside—the result as will be seen from the Statement is "mainly due to the Courts of the Assistant Commissioner "Amherst, and the Extra Assistant Commissioner of Gyne "Salween, every one of whose orders appealed against had to "be reversed or modified.

AMHERST DISTRICT.

Remarks on Officers

"In Mr. Barr, the District has lost an Officer whose me-"rits are too well known to require "comment here.

"Messrs. Forbes and St. John, both carried on the "duties of Assistant Commissioner at Thatone in a most sat-"isfactory manner.

"Captain Fryer, appears to lack experience as a Judicial "Officer, and at Amherst had little opportunity for acquiring "it, Mr. Butler appears a very promising young Officer.

"As regards the Native Subordinates there is little satis-"factory to be said—and in two cases the state of their files "at the end of the year is unsatisfactory—the case of Moung "Chaik of Gyne Salween is especially so, because he has had "experience and was only during the year re-instated after "suspension for neglect of duty—it is to be feared that the "lesson he then had instead of teaching him to be more care-"ful has led him as sometimes happens with Burmans to be-"lieve that he has a vested right in his appointment no mat-"ter how carelessly he performs its duties.

"Moung Hlaw of Beeloogyoon on the other hand has "had little experience and may improve.

"In Criminal as in Civil matter however it cannot be "doubted that the Native Subordinates labor under very "considerable disadvantages, they have to administer Justice "according to complicated Codes which are every now and "then altered and amended and have for guidance translations "of these Codes that are often quite unintelligible. A short

" compilation from the Penal and Criminal Procedure Acts " translated into intelligible Burmese and dealing only with " cases which these Officers have power to entertain would " undoubtedly relieve them of much uncertainty and confu " sion and their Superiors from much unnecessary labor in " correcting the errors thence arising."

TAVOY AND MERGUI DISTRICTS.

43 In Tavoy 15 and in Mergui 4 Appeals were disposed of by the Deputy Commissioners respectively. Of 15 Appeals 8 were confirmed and 7 reversed; and of 4 Appeals in Mergui 1 was confirmed, 2 modified and 1 reversed. No remarks seem necessary as the figures speak for themselves.

SHWE-GYEEN DISTRICT

44. The Deputy Commissioner of Shwè-Gyeen states that all the Appeals instituted were disposed of during the year with the exception of one from the Extra Assistant Commissioner of Sittang, which remained pending in consequence of the record of the case reaching the Appellate Court at almost at the end of December 1869. The result of Appeals being 15 confirmed, 1 rejected and only one reversed.

On Fines.

45. The following Tabular Statement shows the amount of Fines imposed, realized and applied as compensation in 1869 as compared with 1868 omitting fractions :—

DISTRICTS	Amount of Fines imposed		Amount of Fines realized		Amount ordered as compensation under sec 44 C P Code		Amount actually paid as compensation	
	1868	1869	1868	1869	1868	1869	1868	1869
Amherst	22,073	19,572	10,192	11,105	1,632	1,173	980	912
Maulmain Town	22,724	15,258	14,860	13,699	385	233	335	233
Tavoy	6,272	3,315	2,367	2,421	444	306	309	206
Mergui	4,349	3,465	3,539	2,056	851	774	691	334
Shwè-Gyeen	6,687	8,536	4,536	4,873	1,369	1,687	1,369	1,687
Total	62,105	50,146	35,494	34,154	4,681	4,173	3 684	3 372

46. Rupees 50,146 were imposed as Fines throughout this Division to 62,105 in the previous year, of these the amount realized were Rupees 34,154 in 1869 and 35,494 in 1868. The amount ordered to be paid as compensation under Section 44 Criminal Procedure Code was Rupees 4,173 in 1869 and 4,681 in 1868, of which there was actually paid Rupees 3,372 in the former and Rupees 3,684 in the latter.

Cases of Dacoity and Robbery

47. The following return gives the number of cases and persons brought to trial under heading "Dacoity" and "Robbery :"—

Districts.	Years	Dacoity.			Robbery		
		Number of cases brought to trial	Number of prisoners under trial	Number of prisoners convicted, including commitments.	Number of cases brought to trial.	Number of persons under trial.	Number of persons convicted and committed.
Amherst	1868	11	23	16	7	19	4
	1869	5	10	6	1	1	0
Maulmain Town	1868	1	6	6	2	7	0
	1869	0	0	0	2	3	2
Tavoy	1868	0	0	0	0	0	0
	1869	0	0	0	0	0	0
Mergui	1868	0	0	0	0	0	0
	1869	0	0	0	0	0	0
Shwè-Gyeen	1868	0	0	0	1	2	2
	1869	0	0	0	1	1	0
Total...	1868	12	29	22	10	28	6
	1869	5	10	6	4	5	2

48. Compared with the previous year, the number of Dacoity cases brought to trial was 7 less, and in Robbery cases 6 less. Of 10 persons tried for Dacoity 6 were convicted and committed to the Sessions Court, and of 5 persons tried for Robbery 2 were convicted. It may here be noted that in the Shwè-Gyeen District 8 cases of Dacoity were reported to have been committed, in no case were the offenders brought to trial, and in the Amherst District there were 14 cases of Dacoity reported as committed, and in only 5 cases were the offenders brought to trial.

Whipping Act

49. The table below shows the number of adults and juvenile offenders punished under Whipping Act No. VI of 1864:—

Districts	Adults.		Juvenile.	
	1868	1869	1868	1869
Amherst	2	3	0	0
Maulmain Town...	11	8	1	4
Tavoy	0	2	0	1
Mergui	5	3	0	0
Shwè-Gyeen	3	6	0	0
Total...	21	22	1	5

50. The number of adults punished under the Whipping Act was one more than last year and of Juvenile offenders 4 more. In no case was there any Appeal made from the sentence of whipping.

Bad livelihood

51. The number of cases and persons charged for "Bad livelihood" under Sections 295 and 296 of the Criminal Procedure Code and the number convicted during the last two years is as follows:—

Districts	Number of cases brought to trial		Number of Persons brought to trial.		Number of Persons convicted.	
	1868	1869	1868	1869	1868	1869
Amherst	37	55	71	99	52	68
Maulmain Town	17	34	19	59	12	45
Tavoy	...	...	...	...	...	. .
Mergui	..	...	...	...	...	...
Shwè-Gyeen	6	26	7	67	7	57
Total.	60	115	97	225	71	170

52. The above table shows that there was an increase of 56 cases and 128 persons brought to trial for Bad livelihood as compared with the previous year. Of the number of persons tried in 1869, no less than 170 were convicted—this is a great improvement on previous years, there is little doubt that the more the Sections of the Criminal Code referred to are properly worked crime will decrease.

Effects of the Stamp Act, XXVI of 1867

53. The new Stamp Act, while abolishing the fees in Criminal cases only exacted in their place a one Rupee stamp, has had the effect of increasing petty complaints in the Courts of this Division

Act XIX of 1850

54. Under this Act no cases came within the cognizance of the Courts in this Division.

Act XV of 1862, repealed by Act VIII of 1869

55. Act XV of 1862, ceased to be in operation from the 1st June 1869, having been repealed by Act VIII of 1869. With reference to this change of Law during the year under review, Major Duff, the Deputy Commissioner of Amherst District, writes as follows :—

"The only important change of Law during the year was " the repeal of Act XV of 1862, and the substitution for it of " Section 445 A, B and C, Act VIII of 1869, and the mea- " sure certainly appears a retrograde one—the advantage of " the old procedure when dealing with half savage Tribes can- " not be questioned, under that procedure. A Deputy Com- " missioner could at any time when it appeared necessary " proceed to any part of his District and then on the spot put " down any outbreak of serious crime by at once trying and " promptly punishing those concerned in it. Under the new " procedure this is impossible for the accused and the witnesses " must first of all go before some Magistrate with powers of " committal to Sessions and so be formally committed for trial " before the Deputy Commissioner, thus all the evils Act XV " of 1862, was intended to remedy are again in a great mea- " sure revived. There is now again the evil and annoyance of " a double trial, the delay and inconvenience caused by it and " there will doubtless be again the same reluctance to appear " as a witness when such appearance involves two or more " long journeys and absence from home and occupation, and " the result in a District like this where a number of the in- " habitants rightly or wrongly undoubtedly do dislike visiting " Head Quarters cannot be looked on as hopeful either as re- " gards the prevention of crime or the due administration " of justice."

56. I most fully concur in the above remarks of the Deputy Commissioner. The former Law worked as well as could be wished, and the alteration now made though probably better adapted to other parts of India is certainly not so well suited to British Burma.

AMHERST DISTRICT.

57. In regard to the working of the Police in Amherst District, Major Duff, remarks:—

Police

" The action of the Police in detect- " ing crime and procuring the conviction of offenders has not " been nearly so successful as could be wished, though no ex- " ertion was wanting on the part of the Superintendent, Mr. " Pattisson, who held office during almost the whole of the " year. The death of the noted Out-law and Dacoit Nga Kyat- " tha-lay while resisting capture in the month of September " will doubtless tend to a diminution of violent crime on the

" Eastern Frontier, but this event took place too late in the " year to have much effect on the present Return.

" The great extent of Frontier compared with the small " Police force available for its protection, the number of dif- " ferent nationalities and of half wild Tribes both within and " without the Frontier, and the difficulty of getting trust- " worthy men competent to deal with them will however, it " must be feared, for a considerable time, prove serious ob- " stacles in this District to the attainment of the same success " in these matters as is to be met with in other Districts " more fortunately situated."

MAULMAIN TOWN.

58. The Magistrate of Maulmain says :—" The Police have " made no perceptible improvement during the year, due per- " haps to the want of sufficient instructions to the new hands " when they are taken into the force. The Assistant Super- " intendent Mr. Gay, continues zealous in his duties and is a " valuable Officer."

TAVOY DISTRICT.

59. With regard to the Police, Lieutenant Colonel Faithfull states :—" I have always received a cordial assistance from " Davidson, Superintendent of Police."

MERGUI DISTRICT.

60. The Deputy Commissioner of this District reports that the Police have done their work fairly throughout the year.

SHWE-GYEEN DISTRICT

61. Captain Watson, has left no record with regard to the working of the Police in this District, and Mr. Davis refrains from giving any opinion as to their efficiency having only lately taken charge of the District.

62. As directed in Chief Court's Circular No. 5, dated 1st May 1869, Criminal side, the original records of Criminal cases (3 in each quarter) of the several District Courts have been examined by the Officiating Sessions Judge. In all cases the rules of procedure and the various Circular Orders of the Chief Court have been carried out properly. The Criminal Registers and Books in each Deputy Commissioner's Courts have also been inspected, they are kept according to the forms prescribed and brought up to date.

APPENDIX.

No. 1.

ANNUAL General Statement of the Commissioner of Arakan for the year 1869.

Class.	Authority.	Description.	Under trial at the close of last year.		Committed to the Sessions during the present year.		Received from other Quarters.		Total number of persons under trial.	Disposed of.				Died.	Escaped.	Transferred.	Under trial at the close of the year.				Remarks.
			Cases.	Persons.	Cases.	Persons.	Cases.	Persons.		Commitment cancelled.	Referred to Sudder Court.	Convicted.	Acquitted.				Cases.	Persons. In Custody.	Persons. On Bail.	Persons. On Recognizance.	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
A. Not Bailable.	I.	PUNISHABLE UNDER INDIAN PENAL CODE.																			
		Offences affecting the Human Body.																			
13	302,302	Murder...	...	...	*6	*12	...	...	12	...	2	8	1	...	...	...	1	1	...	...	
	302 / 114 307																				
16	304	Culpable Homicide ...	...	...	*4	7	...	...	7	...	...	7	...	...	...	...	...	...	...	...	
19	326	Causing grievous hurt ...	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...	
		Offences against property.																			
30	392 / 394	Robbery	...	...	2	8	...	...	8	...	...	8	...	...	...	...	...	...	...	...	
32	395	Dacoity	...	...	1	2	...	...	2	...	...	2	...	...	...	...	...	...	...	...	
39	460	Lurking House Trespass and causing death ...	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...	

B.																							
Bailable.	I.	PUNISHABLE UNDER INDIAN PENAL CODE.																					
		Offences affecting the Human Body.																					
74	370	Buying Persons as slaves.	...	...	1	1	...	...	1	...	...	1	...	...	...	...	...	...	...	...			
		Offences relating to Documents.																					
86	471	Forgery	...	...	†3	†3	...	...	3	...	...	2	1	...	...	...	...	...	...	...			
		Total ...	...	...	19	35	...	...	35	...	2	30	2	...	...	...	1	1	...	...			

* In one case in which 7 persons were concerned 1 of them was convicted of Culpable Homicide and the rest of abetment of Murder
† In one case a person was committed on two separate charges but the Sessions Judge treated this as two separate cases on his file and tried and convicted him in both.

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

No. II.

ANNUAL STATEMENT of Degrees of punishment inflicted by the Commissioner of the Arakan Division for the year 1869.

Persons sentenced to.																			Total amount of fines.				Note to Statement No. II.		
Transportation.			Imprisonment.									Find security		Fine.											
			From 14 to 7 years.			From 6 to 3 years.			Below 3 years.																
For life.	For 14 years and above.	For 7 years and above.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	For good behaviour.	To keep the peace.	Enter into recognizance to keep the peace.	From Rs. 5000 to 1000.	Below Rs. 1000 to 500.	Below Rs. 500 to 200.	Below Rs. 200.	Imposed.	Realized.	Applied in compensation under Sec. 44 Code of Criminal Procedure. Order.	Applied in compensation under Sec. 44 Code of Criminal Procedure. Paid.	Persons sentenced to imprisonment.	With stripes and fines.	With stripes.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	1	2	3
3			21			3		*2	1										2800		2800		None		

* One person is shown here as 2 persons having been convicted and sentenced in two separate cases.

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

No. III.

YEARLY STATEMENT of Appeals preferred to the Commissioner of the Arakan Division for the year ending 31st December 1869.

District.	Office.	Name of Officers.	Appeal from convictions on trial and from order under Chapters X and XIX, Code of Criminal Procedure.											
			Pending at the close of last year.	Preferred during the year.	Total.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Return for re-investigation.	Pending at the close of the year.	Longest number of days that any Suit has been pending.	Date of oldest case pending.	Explanation of entries in Columns 13 and 14.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Akyab District.	Deputy Commissioner ...	Major E. J. Spilsbury ...	...	3	3	...	2	...	...	...	...	...	...	1 struck off the file
	Officiating do. ...	Captain C. O. L. Prendergast	...	1	1	...	...	...	1	...	...	...	...	
	Deputy Commissioner ...	W. DeCourcy Ireland Esq...	...	6	6	1	5	...	...	...	...	...	...	
Akyab Town.	Deputy Comr., in charge ...	Major E. J. Spilsbury ...	...	2	2	...	2	...	...	...	...	...	...	
	Magistrate	Lieut. G. A. Strover ...	...	10	10	...	8	...	2	...	...	...	...	
	Assistant Comr., in charge...	C. D. Clifford Lloyd Esq. ...	...	8	8	1	1	1	3	...	...	...	...	2 do.
	Ex. Asst. Comr. do. ...	Moung Shwè Taw ...	...	2	2	...	2	...	...	...	...	...	...	
	Magistrate	J. Treacy, Esq. ...	...	4	4	...	4	...	...	...	...	...	...	
	Do.	Capt. C. O. L. Prendergast..	...	2	2	...	1	...	1	...	...	...	...	

No. III.—(*Continued*)

District.	Office.	Name of Officers.	Appeal from convictions on trial and from order under Chapters X and XIX, Code of Criminal Procedure.											
			Pending at the close of last year.	Preferred during the year.	Total.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Return for re-investigation.	Pending at the close of the year.	Longest number of days that any Suit has been pending.	Date of oldest case pending.	Explanation of entries in Columns 13 and 14.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15.
Ramree District	Deputy Commissioner	Captain W. C. Plant	...	2	2	...	2	...	...	...	...	...	...	
	Asst. Comr., in charge	J. Hind, Esq.	...	5	5	...	5	...	...	...	...	...	...	
	Deputy Commissioner	J. K. Macrae, Esq.	...	1	1	...	1	...	...	...	...	...	...	
Sandoway District.	Deputy Commissioner	J. K. Macrae, Esq.	...	10	10	1	8	1	...	...	...	...	...	
Akyab.	Assistant Commissioner	J. Hind, Esq.	...	10	10	1	8	...	1	...	...	...	...	
		Total.....	...	66	66	4	49	2	8	...	...	...	...	3 Struck off the file

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

No. IV.

ANNUAL STATEMENT of persons punished and acquitted by the Sessions Judge of the Arakan Division for the year 1869.

Number of Trial.	Name and particular of Prisoner.					Offence charged.		Offence established quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and particular of sentence.	Explanations and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
1	1	Khee-dohree	35	Arakanese.	Buddhist.	Sec. 302 I. P. C.	Murder 23rd January 1869. Committed by Mr. J. Hind Asst : Commissioner of Akyab, on the 19th February 1869.		Acquitted 9th March 1869.		This case was decided at Akyab with the aid of three Assessors. The Prisoner pleaded not guilty. It appears that the deceased received a blow on the head at a "Yatha Pway" with a large stick which fractured her skull and from which she died 3 or 4 days afterwards. The evidence however

IV.—(*Continued.*)

Number of Trial.	Number of each prisoner in each trial.	Name and particular of Prisoner. Name.	Age.	Caste.	Religion.	Offence charged. Section of Code applicable.	Offence, date of perpetration and name of committing Officer and date of commitment.	Offence established quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particular of sentence.	Explanations and Remarks
1	2	3	4	5	6	7	8	9	10	11	12
									*		for the prosecution being unsatisfactory and dubious, the Court concurred with the Assessors that Kheedohree was not guilty of the charge of Murder and directed his acquittal.
2	1	Tsan-Ya	33	Burmese.	Buddhist.	Sec. 302 I. P. C.	1st charge against Prisoner No. 3 Murder.	Prisoner No. 3 Culpable Homicide, Sec. 304; Prisoners Nos. 1, 2, 4, 5, 6, 7, Abetment of Culpable Homicide		Prisoner No. 3 to undergo 10 years rigorous imprisonment and Prisoners Nos. 1, 2, 4, 5, 6, 7, to undergo 7 years rigorous im-	This case was decided at Kyouk-Phyoo with the aid of three Assessors. The 7 Prisoners pleaded not guilty. It appears that one of the Pri-
	2	Nga-Htwoon	17								
	3	Shwè-Kyoo	23								
	4	Tsan-Htwoon	33								
	5	Myat-Thing	25			Sec. 304 I. P. C.	2nd charge against ditto. Culpable Homicide				
	6	Ta-Tay	20								
	7	Htwoon-Oung	36								

						Sec. 109 302 I. P. C.	1st charge against Prisoners Nos. 1, 2, 4, 5, 6, 7. Abetment of Murder.	Sec. 109 304 I. P. C.		prisonment each. 27th March 1869.	soners, who are convicts, killed a guard when they tried to make their escape. From the evidence of the witnesses and from the circumstances of the case the Court concurred with the Assessors and found the Prisoners, guilty of the crime specified in column 9 and sentenced them as shown in column 11.
						Sec. 109 304 I. P. C.	2nd charge against Prisoners Nos. 1, 2, 4, 5, 6, 7. Abetment of Culpable Homicide. 28th Dec. 1869. Committed by Mr. J. Hind, Assistant Commissioner, in charge of the Deputy Commissioner's Office, Ramree. 24th March 1869				
3	1	Nga-Sein dah ...	20	Shan.	Buddhist.	Sec. 114 — 302 I. P. C.	Abetment of Murder 15th November 1868. Committed by Mr. J. K. Macrae, Offg. Deputy Commissioner, Sandoway, on the 27th May 1869.	Abetment of Murder, Sec. 114, 302 I. P. C.		Sentenced to Transportation for life, 8th October 1869.	This case was tried at Akyab under the sanction of the Chief Commissioner with the aid of 2 Assessors. Prisoner pleaded not guilty. The circumstances of the case are:—The Prisoner is one of 2 coolies hired by the deceased and his brother who are traders. At night while sleeping toge-

No. IV.—(*Continued.*)

Number of Trial.	Name and particular of Prisoner.					Offence charged.		Offence established quoting Section of Code thereto applicable.	Acquitted with date.	Convicted, with date and particular of sentence.	Explanations and Remarks.
	Number of each prisoner in each trial.	Name	Age.	Caste	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
											ther the attack was made on both the brothers. The survivor was severely wounded and narrowly escaped. From the evidence of the witnesses and from the circumstances of the case the Court concurred with the 2 Assessors and found the Prisoner guilty of the charge, vide column 9 and sentenced him as stated in column 11.

4	1	Tsalee	23	Arakaneec.	Buddhist	Secs. 302, & 304, I. P. C.	1st charge Murder, 2nd charge Culpable Homicide, 16th April 1869. Committed by Mr. J. Hind, Asst. Commissioner, in charge of the Depy. Commissioner's Office, Ramree, 9th June 1869.	Culpable Homicide, Sec. 304 I. P. C.	Prisoner No. 1 to suffer 10 years rigorous imprisonment. Prisoners Nos. 2, 3, and 4 to suffer 5 years rigorous imprisonment each, 2nd Dec. 1869.	This case was tried at Kyouk-Phyoo with the aid of three Assessors. Prisoners pleaded not guilty. This case stands thus:—Three men were returning to their village and the four Prisoners who were on the road side, under a misunderstanding assaulted the deceased while his companions ran away. The evidence for the prosecution is positive, consistent, and without discrepancies. The deceased received his fatal below from a rice pounder which smashed his skull. The evidence for prosecution is satisfactory and conclusive and proves that all were present and all assaulted. The Court concurring with the Assessors found the 1st, 2nd and 3rd Prisoners guilty of the
	2	Tsan Htwoon	18							
	3	Moung Tsee	17							
	4	Nga Rwah	45							

No. IV.—(*Continued.*)

Number of Trial.	Name and particular of Prisoner.					Offence charged.		Offence established quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particular of sentence.	Explanations and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
											charge, vide column 9, and the Court differing from the Assessors found the 4th Prisoner too guilty of the charge, vide the same column and senteneed him as stated in column 11.
5	1 Moung-oh. 2 Nee-two-oo. 3 Twon Kraoo, 4 Than-oo.		33 26 40 25	Arakanese	Buddhist	Sec. 394 I. P. C.	Voluntarily causing hurt while committing Robbery, 11th April 1869. Committed by Mr. J. Hind, Asst. Com-	Voluntarily causing hurt while committing Robbery, Sec. 394, I. P. C.		All the prisoners to suffer 10 years rigorous imprisonment each. 3rd Decr. 1869.	This case was tried at Kyouk Phyoo with the aid of three Assessors. Prisoners pleaded not guilty. It appears that 4 Natives of

						missioner. in charge of Deputy Commissioner's Office, Ramree, 12th June 1869.				India and a Burman were attacked and robbed of Rs. 300 by the Prisoners who beat them and severely injured one. From the evidence of the witnesses and from the circumstances of the case the Court concurred with the Assessors and found the prisoners guilty of the charge under column 9 and sentenced them to 10 years rigorous imprisonment each.
6	1	Kali Koomer	40	Hindoo	Hindoo	Sec. 471, I. P. C.	Dishonesstly using as genuine, a document which he knew to be forged (Rupees 800 receipt,) 19th June 1869. Committed by Mr. J. Treacy, Magistrate of Akyab, 16th July 1869.	Dishonestly using as genuine a forged document, Sec. 471, I P. Code.		Prisoner to undergo 5 years rigorous imprisonment and also to pay a fine of Rs. 800 or in default of payment, of such amount that he further suffer one year's rigorous imprisonment. The amount of such fine is awarded to the complainant under Sec. 44 of the I.P C	This case was tried at Akyab with the aid of 3 Assessors. The accused was a sircar in the firm of Messrs. Burot, Gerber and Co. who being dissatisfied called upon him to submit his Godown accounts. After much trouble and delay the accounts were tendered and among other receipts for advances

No. IV.—(*Continued.*)

Number of trial.	Name and particuler of Prisoner.					Offence charged.		Offence established quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particular of sentence.	Explanations and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
										as compensation for the offence complained of. 17th August 1869.	was one which the accused could not prove to be valid. From the evidence of the witnesses and from the circumstances of the case the Court concurred with the Assessors and found the Prisoner guilty of the charge under column 9 and sentenced him to undergo the punishment as stated in column 11.

7	1	Ashruff Khan.	24	Mohomedan	Mohomedan	Secs. 302 & 304 I. P. C.	1st charge Murder, 2nd charge Culpable Homicide, 14th July 1869. Committed by Mr. J. K. Macrae, Officiating Deputy Commissioner, Sandoway, 28th July 1869.	Culpable Homicide, Sec. 304..		Prisoner to undergo ten years rigorous imprisonment, 14th Dec: 1869.	This case was decided with the aid of 3 Assessors at Sandoway. The particulars of the case are :—Prisoner was a Constable and the deceased a Head Constable. In an altercation regarding the private use of a musket by the prisoner, the wife of the deceased fanned the anger of the parties and instigated the husband to stab the prisoner. This provocation caused Prisoner to draw his bayonet and stab the deceased through the heart. From the evidence of the witnesses and from the circumstances of the case the Court concurred with the Assessors in finding the Prisoner guilty of the charge of Culpable Homicide and sentenced him as stated in column 11.

No. IV.—(*Continued.*)

Number of Trial.	Name and particular of Prisoner.					Offence charged.		Offence established quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particular of sentence.	Explanations and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
9	1	Kalee Koomer	40	Hindoo	Hindoo	Section 471 I. P. C.	Dishonesly using as genuine, a document which he knew to be forged (Rs. 2,000 receipt) 19th June 1869. Committed by Mr. J. Treacy, Magistrate of Akyab, 16th July 1869.	Dishonestly using as genuine a forged Document, Sec. 471 I. P. C.		Kalee Koomer to suffer 5 years rigorous imprisonment and each sentence to take effect upon the expiry of the sentence passed upon him in Sessions No. 6 of 1869, on the 7th August 1869 ; and that he further pay a fine of 2,000 Rs. or in default of payment of such fine that he further undergo 2 years rigorous im-	This case was decided at Akyab with the aid of 2 Assessors the 3rd being absent with leave. This case is similar to case No. 6 of this return and is between the same parties. This is thus explained :—At the time it was necesary to proceed with the case, the prosecutor and the committing Officer suggested that they had not been able then to procure the

| | | |

No. IV.—(*Continued.*)

Number of Trial.	Name and particular of Prisoner.					Offence charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and particular of sentence.	Explanations and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
							land, Deputy Commissioner of Akyab, 23rd August 1869.				struggle with the Prisoner. The Prisoner had a knife at the time. From the evidence provocation was proved as well as stated. The court concurring with the Assessors found the Prisoner not guilty of the 1st charge, but the Court differing from the Assessors found the Prisoner guilty of the second charge as shown in column 9 and sentenced him as stat-

12	7	Hla Oung.	38	Arakanese	Buddhist	Section 460 I. P. C.	1. Voluntarily causing death while jointly committing Lurking House Trespass.	Guilty of being jointly concerned in Lurking House Trespass during which some person voluntarily caused death. Sec. 460 I. P. C.	Prisoner to undergo Transportation for life, 13th Sept. 1869.	ed in column 11. This case was tried at Akyab with the aid of 3 Assessors. There were 2 Prisoners one of whom died by Cholera before committal. The evidence for the prosecution shows that Prisoner was recognized the very night he committed the crime and charged. There was no real rebutting fact in the evidence for the defence. The defence itself is a rambling one on irrelevant points without any precise fact of consequence. The Court concurring with the Assessors found the Prisoner guilty of the charge as stated in column 9 and sentenced him accordingly, vide column 11.
						Section 322 / 114 I. P. C.	2. Abetment of Robbery.			
						Section 394 I. P. C.	3. Voluntarily causing hurt while attempting to commit Robbery, 20th April 1869. Committed by Mr. W. DeCourcy Ireland, Dy. Commissioner Akyab, on the 26th August 1869.			
13	1	Way do,	34	Arakanese	Buddhist	Section 326 I. P. C.	Voluntarily causing grievous hurt with a dangerous	Guilty of causing grievous hurt with dan-	Prisoner to suffer 10 years' rigorous imprisonment, 30th	This case was decided at Akyab. Prisoner pleaded guilty before the Sessions

No. IV.—(*Continued.*)

Number of Trial.	Name and particular of Prisoner. Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Offence charged. Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and particular of sentence.	Explanations and Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
							weapon, 30th July 1869. Mr. W. De-Courcy Ireland, Deputy Commissioner Akyab, 10th September 1869.	gerous weapon, Sec. 326 I. P. C.		September 1869.	Judge, but before the committing Officer it appears that he tried to establish self-defence when cross examining the complainant, on which he failed. The Court passed sentence on the prisoner as stated in column 11.
14	1	Rai Paw Thay,	35	Arakanese	Buddhist	Section 471 I. P. C.	Knowingly using a forged document, 5th February 1869. Mr. C. O. L. Prendergast, Magistrate of Akyab, 9th Sep-		Acquitted on the 7th Oct. 1869.		This case was tried at Akyab with the aid of three Assessors. The Prisoner pleaded not guilty. From the evidence of the wit-

						tember 1869.				nesses & from the circumstances of the case the charge against the Defendant was not proved. The Court therefore concurring with the Assessors found the Prisoner not guilty of the charge under column 8 and acquitted and discharged him accordingly.
15	1 2 3 4	Oung Hla way, Goora, Oung Htoon rhee Htoon Phroo,	28 22 42 21	Arakanese Buddhist	Section 392 I. P. C.	Committing Robbery on the 20th August 1869. Mr. W. DeCourcy Ireland, Deputy Commissioner, Akyab, 10th Sept. 1869.	Robbery, Section 392 I. P. C.		All the 4 Prisoners to undergo 7 years' rigorous imprisonment each. 5th October 1869.	This case was tried at Akyab with the aid of three Assessors. The complainants clearly and positively state the facts and further corroborate each other in the particulars of the Robbery and the words which passed previously. The defence is *an alibi* and supported by the relatives of the Prisoners imperfectly. The Court concurring with the 2nd and 3rd Assessors and differing from the 1st found the Prisoners

No. IV.—(*Continued.*)

Number of Trial.	Name and particular of Prisoners.					Offence charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted, with date.	Convicted, with date and particular of sentence.	Explanations and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer, and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
											guilty of the offence charged and sentenced them as shown in column 11.
16	1	Yo-oung.	41	Kheng.	Kway-ma.	Section 370 I. P. C.	Keeping slaves 1866. Committed by Mr. W. De-Courcy Ireland, Dy. Commissioner Akyab, on the 15th September 1869.	Guilty of detaining persons in slavery, 370 I. P. C.		Prisoner to undergo 3 years' rigorous imprisonment, 26th October 1869.	In the year 1866 the prisoner was brought up for the charge of keeping slaves. The trial at the time was regularly conducted and brought to a conclusion, nothing being wanting but finding and sentence, when the pri-

											soner who had been released on bail absconded and was not apprehended until about a year afterwards. For the escape he was tried and sentenced to 2 years rigorous imprisonment. He was brought up a second time on this charge of keeping slaves under Section 370. The evidence for the prosecution is plain, simple, and consistent. The Court differing from the three Assessors, found the Prisoner guilty under column 9 and sentenced him as stated in column 11.
18	1	Kra Hla Oung,	42	Arakanese Buddhist	Section 307 I. P. C.	Attempting Murder with hurt on the 24th November 1869. Committed by Mr. J. K. Macrae, Depy. Commissioner, Ramree, 20th December 1869.	Attempting Murder with hurt, Section 307 I. P. C.		Prisoner to suffer Transportation for life, 21st December 1869.		This case was tried at Kyouk Phyoo with aid of three Assessors. The Prisoner followed his wife the victim into a well and cut and hacked most barbarously with a dag-

No. IV.—(*Continued.*)

Number of Trial.	Name and particular of Prisoner.					Offence charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particular of sentence.	Explanations and Remarks.
	Number of each prisoner in each trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
											ger. The woman was in a dying state when brought to the Medical Officer and her deposition was taken by the Magistrate. She however survived and deposed before the Court word for word what she said before. The Prisoner declined to say anything in his defence. The Court concurring with the Assessors

19	1 2	Oung Ban Yai, Nyoh Oung,	48 30	Arakanese	Buddhist	Section 395 I. P. C.	1. Dacoity, 23rd August 1869. 2. Dacoity, 25th Aug 1869. Committed by Mr. J. K. Macrae, Dy. Commissioner of Ramree, on the 21st December 1869.	1. Dacoity Section 395 I. P. C.		Both the Prisoners to undergo 10 years' rigorous imprisonment. 22nd December 1869.	found the Prisoner guilty of the offence charged and sentenced him as shown in column 11. This case was decided at Kyouk Phyoo and the trial took place in the Gaol as the Prisoners were unable to attend. The case is an extremely simple one and tried with the aid of three Assessors. The witnesses identify not only the Prisoners but the Muskets which were taken away. Five men were concerned in the Dacoity. The Prisoners made no defence. The Court concurring with the Assessors found the Prisoners guilty of the charge and sentenced them as stated in column 11.

D

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

No. V.

YEARLY STATEMENT of Sentences of death referred for the confirmation of the Sudder Court by the Commissioner of the Arakan Division for the year ending 31st December 1869.

Number of referred sentence.	Prisoners.			Offence of which prisoner is convicted by Sessions Court with section of Code thereto applicable.	Date of			Date of the Sudder Court.		Remarks.
	Number.	Name.	Caste.		Commitment	Conclusion of Trial.	Referred to the Sudder Court.	Receipt of the record.	Final order.	
7	1	Nga-Tso-rhee,	Buddhist.	Murder, Sec. 302 I. P. C.	31st July 1869.	11th Augst. 1869.	11th Augst. 1869.	...	19th Augst. 1869.	Prisoner was executed on the 7th September 1869.
10	1	Pan-Phroo,	Buddhist.	Murder, Sec. 302 I. P. C.	23rd Augst. 1869.	14th Septr. 1869.	14th Septr. 1869.	...	30th Septr. 1869.	Prisoner was executed on the 18th October 1869.

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

No. VI.

ANNUAL STATEMENT of Trials and Judicial Proceedings called for by the Sudder Court for reversion under Chapter XXIX of the Code of Criminal Procedure and on Appeal under Chapter XXX of the same Code for the year 1869.

Number of Case called for.	Prisoners.			Offence of which prisoner has been convicted by the Sessions Court with section of Code thereto applicable.	For reversion under chapter XXIX, Code of Criminal Procedure.	On appeal under Chapter XXX, Code of Criminal Procedure.	Date of despatch of the case to the Sudder Court.	Date of Sudder Court.		Remarks.
	Number.	Name.	Caste.					Receipt of the record.	Final Order.	
Sessions No. 6 of 1869	1	Kalee Koomer.	Hindoo.	Using as genuine a forged Document, Sec: 471.	...	On appeal.	15th Oct: 1869.	...	2nd Dec: 1869.	In Appeal the sentence of the Sessions Court in the case was reversed.

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

A.

STATEMENT showing the Criminal Cases, Sessions and Appeals brought to trial and disposed of by the Commissioner of the Arakan Division during the year 1869.

	Sessions Cases.							Appeal Cases.							
	Pending at the close of 1868.	Committed during 1869.	Total persons.	Convicted.	Acquitted.	Transferred or otherwise disposed of.	Pending at the close of 1869.	Pending at the close of 1868.	Preferred during 1869.	Total Cases.	Rejected.	Disposed of on trial sentence of Lower Court. Confirmed.	Modified.	Reversed.	Transferred or otherwise disposed of.	Pending at the close of 1869.
Akyab District.																
Capt. C. O. L. Prendergast, Offg. Deputy Commissr.	1	1	1	1	...	...	...									
W. DeCourcy Ireland Esq. Deputy Commissioner	7	10	10	9	...	...	1	1								
Akyab Town.																
J. Treacy, Esquire, Magistrate	2	2	2	2	...	...	...									
Akyab District.																
Major E. J. Spilsbury, Deputy Commissioner								...	3	3	...	2	...	...	1	...
Captain C. O. L. Prendergast, Officiating Deputy Commissioner								...	1	1	...	...	...	1	...	...
W. DeCourcy Ireland, Esquire, Deputy Commissioner								...	6	6	1	5	...	...	...	...
Akyab Town.																
Major E. J. Spilsbury, Deputy Commissioner in charge								...	2	2	...	2	...	...	...	...

Captain C. O. L. Prendergast, Magistrate... ...	...	...	1	1	1	...	1	...	...	...	Lieutenant G. A. Strover, Magistrate...	...	10	10	...	8	...	2	...	...
Ramree District.											C. D. Clifford Lloyd, Esquire, Assistant Commissioner in charge.	...	8	8	1	1	1	3	2	...
J. Hind, Esquire, Assistant Commr: in charge... ...	...	...	2	8	8	8	...	...	...	...	Moung Shwè Taw, Extra Assistant Commissioner in charge ...	...	2	2	...	2	...	...	...	...
J. K. Macrae, Esquire, Deputy Commissioner. ...	...	...	2	3	3	3	...	...	...	...	J. Treacy, Esquire, Magistrate ...	...	4	4	...	4	..	...	...	...
Sandoway District.											Captain C. O. L. Prendergast, Magistrate	...	2	2	...	1	...	1	...	...
J. K. Macrae, Esquire, Deputy Commr: Akyab ...	...	...	2	2	2	2	...	...	...	...	*Ramree District.*									
Akyab.											Captain W. C. Plant, Deputy Commissioner	..	2	2	...	2	...	...	...	...
J. Hind, Esquire, Assistant Commissioner.	...	...	2	8	8	7	1	...	...	...	J. Hind Esquire, Assistant Commissioner.	...	5	5	...	5	...	..	...	...
											J. K. Macrae, Esquire, Deputy Commissioner	...	1	1	...	1	...	...	...	...
											Sandoway District.									
											J. K. Macrae, Esquire, Offg. Deputy Commissioner,...	...	10	10	1	8	1	...	...	...
											Akyab.									
											J. Hind, Esquire, Assistant Commissioner,...	...	10	10	1	8	...	1	..	...
Total ...	...	...	19	35	35	32	2	...	1	1	Total ...	...	66	66	4	49	2	8	3	...

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

C.

Appeals from the Whipping Act.—None.

D.

STATEMENT showing the duration of cases disposed of by the Sessions Judge of Arakan, vide Para. 20 of the Chief Commissioner's printed Memorandum on the Report of Criminal Justice for 1868.

		Number of Cases Disposed of in												Total number of Cases.	Total number of days.	Average of each Case.	Date of any case pending.	Remarks.
		1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	From 7 to 15 days.	From 16 to 30 days.	From 31 to 60 days.	From 61 to 120 days.	From 121 to 180 days.					
Sessions Judge of Arakan	1868	...	...	1	1	...	...	...	6	1	4	...	...	13	273	22 M. days	...	
	1869	...	2	...	1	...	...	...	1	7	2	1	4	18	991	1-25	6-11-69	

2 of these cases were Committed from Sandoway and the other two from Ramree. They were delayed consequent on the Commissioner being unable to go down in the South-West Monsoon, there being no Steamer or any safe boats for the purpose available.

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

A.

ANNUAL STATEMENT showing the number of Cases in which the punishment of Whipping has been inflicted in the Division of Arakan during the year 1869 *under Act VI of* 1868 *as required by Chief Court's letter No.* 01490, *dated* 18*th May* 1864.

Offences for which whipping was awarded.	By what Court.	No. of cases in which not more than ten stripes of a rattan were inflicted.			No. of cases in which more than ten and not more than 20 stripes of a rattan were inflicted.			No. of cases in which more than 20 stripes of a rattan were inflicted.			Cases in which other punishment was awarded in addition to whipping.	
		First Offence.	Second Offence.	Third Offence.	First Offence.	Second Offence.	Third Offence.	First Offence.	Second Offence.	Third Offence.	No. of stripes awarded.	Nature of additional punishment awarded.
Theft	Depy. Commr's. Court Akyab.	0	0	0	1	0	0	1	0	0	... ...	... ...
Total ...		0	0	0	1	0	0	1	0	0	... ...	... ...
Theft under Sec. 379.	Town Magistrate, Akyab	1	0	0	0	0	0	0	0	0	... ...	... ...
,, in a building Sec. 380		2	0	0	1	0	0	2	0	0	1 Case 30 stripes.	2 years imprisonment.
Dishonestly receiving stolen property Sec. 411		0	0	0	2	0	0	0	0	0	... ...	... ...
Lurking house trespass or house breaking by night in order to commit an offence punishable with whipping ...		0	0	0	0	0	0	0	0	0	1 Case 30 stripes.	6 months Do.
Escape from custody.	Supdt. of Gaol.	0	0	0	1	0	0	0	0	0	1 Case { 20 stripes / 30 stripes }	18 months Do.
Breach of Gaol rules.		2	0	0	2	0	0	0	0	0	... ...	2 years imprisonment. ... ...
Total ...		5	0	0	6	0	0	2	0	0	3	

A.—*(Continued.)*

Offences for which whipping was awarded.	By what Court.	No. of cases in which not more than ten stripes of a rattan were inflicted.			No. of cases in which more than ten and not more than twenty stripes of a rattan were inflicted.			No. of cases in which more than twenty stripes of a rattan were inflicted.			Cases in which other punishment was awarded in addition to whipping.	
		First Offence.	Second Offence.	Third Offence.	First Offence.	Second Offence.	Third Offence.	First Offence.	Second Offence.	Third Offence.	No. of stripes awarded.	Nature of additional punishment awarded.
Theft	Dy. Commr's. Court Ramree.	0	0	0	1	0	0	1	0	0	3 Cases 24 stripes.	Rigorous imprisonment.
Total ...		0	0	0	1	0	0	1	0	0	3	... ...
Theft	Dy. Commr's. Court Sandoway	0	0	0	0	0	0	0	0	0	1 Case 30 stripes.	15 days rigorous imprisonment.
Total ...		0	0	0	0	0	0	0	0	0	... ...	... ...
	Northern Arakan					NONE.						
Total ...		0	0	0	0	0	0	0	0	0	... ...	... ...
Grand Total ...		5	0	0	8	0	0	9	0	0	7	... ...

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

B.

STATISTICS of Criminal Justice in the General Magistrates' Courts of the Arakan Division of British Burma for the year 1869.

1	2	3		4		5		6		7		8		9		10						11	12	13	14
DISTRICT.	Years.	No. of persons who came pending at the end of the previous year.		No. of persons brought to trial during the year.		No. of persons convicted.		No. of persons committed.		No. of persons acquitted.		No. of persons who died, escaped, were transferred or otherwise dealt with.		No. of persons under trial at the close of the year.		TOTAL AMOUNT OF FINES.						Proportion of persons brought to trial for Bailable offences to population.	Proportion of persons brought to trial for Non-Bailable offences to Population.	Proportion of convictions and commitments to No. of persons brought to trial on Bailable offences.	Proportion of convictions and commitments to No. of persons brought to trial on Non-Bailable offences.
		In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	Imposed.		Realized.		Compensation under Section 44, of the Code of Criminal Procedure. Ordered.		Compensation under Section 44, of the Code of Criminal Procedure. Paid.					
Akyab . ..	1868	26	14	1632	397	1019	201	.	22	622	168	..	2	17	18	12,725	11 ..	11,529	9 ..	635	12 ..	342	8 ..	·63	·15	62 43	56 17
	1869	17	18	1636	803	1077	144	1	20	560	151	2	4	13	2	16,569	.. ..	11,217	.. ..	72	8 ..	72	8 ..	·61	·11	65·89	54·12
Akyab Town ..	1868	.	2	665	155	442	87	..	1	243	69	..	..	..	..	5,479	10 6	3,987	9 2	46	.. ..	46	.. ..	4·35	·98	64 52	56·77
	1869	.	..	769	148	542	84	..	2	225	61	..	1	2	..	7,689	14 9	3,976	14 9	159	8 ..	159	8 ..	4·62	·89	70 48	58·10
Ramree . . .	1868	1	..	622	244	464	176	..	1	159	67	..	..	..	..	6,479	4 ..	4,720	1 ..	164	8 ..	129	8 ..	·48	·19	74·39	73 54
	1869	..	..	722	222	573	146	..	18	148	58	..	..	2	.	6,022	.. ..	5,135	.. ..	199	12 ..	84	12 ..	·55	·17	79 22	73 87
Sandoway . ..	1868	..	.	422	51	291	55	..	..	131	26	.	.	.	.	1,855	8 ..	1,755	8 ..	46	8 ..	46	8 ..	·91	17	68 95	67 90
	1869	.	..	455	71	260	52	.	2	195	17	.	..	..	..	2,568	.. ..	1,588	.. ..	84	.. ..	39	.. ..	·96	·15	57·14	76 05
Northern Arakan .	1868	..	..	16	11	13	6	..	3	2	2	..	..	..	.	217	.. ..	175	5 4	14	2 8	14	2 8	20	19	81 25	81 81
	1869	.	..	72	10	52	9	.	2	26	4	..	..	.	1	636	.. ..	316	.. ..	..	.. ..	..	.. ..	1 08	·02	72·22	68 75
Total	1868	27	16	3377	888	2229	525	..	27	1158	382	..	2	17	18	26,757	1 6	22,162	.. 6	906	14 8	578	10 8	74	·19	66·00	62 16
	1869	17	18	3654	780	2503	435	1	44	1148	291	2	5	17	3	33,484	14 9	22,232	14 9	515	12 ..	355	12 ..	·81	16	68 52	63 02

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan

C.

STATEMENT Shewing the duration of Criminal Cases and detention of Witnesses in the Several Districts of the Division of Arakan during the year 1869.

District.	No. of cases decided within days as under															Total No. of cases.	Total No. of days.	Average duration of each case.	Date of oldest case pending.	No. of witnesses discharged after										
	1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	8 Days.	9 to 15 Days.	16 to 24 Days.	25 to 30 Days.	31 to 45 Days.	46 to 60 Days.	61 to 90 Days.	91 to 120 Days.					1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	8 Days.	9 to 15 Days.	16 to 23 Days.	24 to 30 Days.	More than 30 Days.	Total.
Akyab District ...	424	97	70	52	60	47	36	20	63	19	6	17	14	8	7	940	6072	6·45	23-12-69	2410	150	86	25	27	2	17	3	...	...	...	...	2720
Akyab Town ...	340	78	25	13	10	12	5	6	23	15	6	9	3	1	...	546	1886	3 49	11-11-69	1010	60	1	...	...	...	...	...	...	...	...	...	1071
Ramree District ...	347	65	30	11	8	7	10	2	16	14	1	1	...	1	...	513	1264	2·4	2-12-69	1622	202	85	33	2	1	5	2	...	...	...	...	1952
Sandoway District.	186	35	15	16	2	5	5	1	7	4	...	2	...	...	...	278	686	2·46	...	881	4	...	...	...	...	...	...	...	...	...	...	885
Northern Arakan ..	30	11	...	4	...	...	2	3	...	...	...	...	...	...	...	50	109	2·4	17-11-69	72	43	...	4	2	...	4	...	3	...	...	...	128
Total...	1327	286	140	96	80	71	58	32	109	52	13	29	17	10	7	2327	10017	4·30	...	5995	459	172	62	31	3	26	5	3	...	...	...	6756

AKYAB,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

D.

STATEMENT shewing the number of cases pending, instituted and disposed of in the Division of Arakan during the year 1869.

Name of Courts.		Pending.				Instituted.				Disposed of.				Pending at the close of the year.			
		Non-Bailable.		Bailable.		Non-Bailable.		Bailable.		Non-Bailable.		Bailable.		Non-Bailable.		Bailable.	
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
Akyab District	1868...	4	14	11	26	234	397	804	1632	226	393	811	1641	12	18	4	17
	1869...	12	18	4	17	176	303	753	1636	187	319	753	1640	1	2	4	13
Akyab Town	1868...	1	2	...	...	123	155	391	685	124	157	391	685	...	...	...	...
	1869...	...	...	...	...	138	148	411	769	138	148	409	767	...	...	2	2
Ramree District	1868...	...	...	1	1	199	244	354	622	199	244	355	623	...	...	...	...
	1869...	...	...	...	...	158	222	356	722	158	222	355	720	...	...	1	2
Sandoway District	1868...	...	..	...	...	67	81	196	422	67	81	196	422	...	...	...	...
	1869...	...	...	...	...	49	71	229	455	49	71	229	455	...	...	...	...
Northern Arakan	1868...	...	...	...	...	9	11	11	16	9	11	11	16	...	..	...	...
	1869...	...	...	...	...	12	16	39	72	11	15	39	72	1	1	...	...
Total...	1868...	5	16	12	27	632	888	1756	3377	625	886	1764	3387	12	18	4	17
	1869...	12	18	4	17	533	760	1788	3654	543	775	1785	3654	2	3	7	17

Akyab,
The 4th May 1870.

J. F. J. STEVENSON,
Commissioner of Arakan.

No.

YEARLY General Statement of the Sessions Judge of Pegu Division for

Class.	Authority.	Description.	Under trial at the close of the year 1868.		Committed to the Sessions during the year.		Received from the Quarter.		Total number of persons under trial.
			Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	
	1	2	3	4	5	6	7	8	9
A. Not Bailable.	232	Counterfeiting coin ...	0	0	1	1	0	0	1
	235	Possession of instrument for counterfeiting coin	0	0	1	2	0	0	2
	240	Possessing and passing counterfeit coin ...	0	0	1	1	0	0	1
	302	Murder	4	5	21	22	0	0	27
	302 / 109	Abetment of Murder ...	0	7	0	0	0	0	7
	304	Culpable Homicide ...	0	0	2	2	0	0	2
	307	Attempt to Murder ...	0	0	5	5	0	0	5
	326	Causing grievous hurt ...	0	0	1	1	0	0	1
	363	Kidnapping	0	0	1	2	0	0	2
	376 & 376 / 511	Rape and attempt to rape.	0	0	5	5	0	0	5
	379	Theft	0	0	1	4	0	0	4
	392	Robbery	0	0	8	18	0	0	18
	395	Dacoity	2	8	7	15	0	0	23
	396	Dacoity with Murder ...	1	3	2	9	0	0	12
	457	House Breaking	0	0	1	1	0	0	1
		Total...	7	23	57	88	0	0	111
B. Bailable.	213 & 218	Framing incorrect document and taking gift to screen offender from punishment.	0	0	2	3	0	0	3
	494	Marrying again	0	0	1	1	0	0	1
		Total...	0	0	3	4	0	0	4
		Grand Total...	7	23	60	92	0	0	115

RANGOON,
The 18th June 1870.

I.

the year ending 31st December 1869.

Disposed of.							Under trial at close of 1869.				
								Persons.			
Commitment cancelled.	Referred to Sudder Court.	Convicted.	Acquitted.	Died.	Escaped.	Transferred.	Cases.	In custody.	On bail.	On recognizance.	
10	11	12	13	14	15	16	17	18	19	20	
0	0	1	0	0	0	0	0	0	0	0	
0	0	0	2	0	0	0	0	0	0	0	
0	0	1	0	0	0	0	0	0	0	0	
0	0	16	2	1	0	0	4	5	0	0	3 Convicted of Culpable
0	0	7	0	0	0	0	0	0	0	0	Homicide.
0	0	4	0	0	0	0	1	1	0	0	3 from Murder
0	0	2	0	0	0	0	1	1	0	0	1 Convicted of grievous hurt
0	0	2	0	0	0	0	0	0	0	0	1 from attempt to Murder.
0	0	2	0	0	0	0	0	0	0	0	
0	0	4	1	0	0	0	0	0	0	0	
0	0	1	3	0	0	0	0	0	0	0	
0	0	9	8	1	0	0	0	0	0	0	
0	0	22	1	0	0	0	0	0	0	0	
0	0	8	4	0	0	0	0	0	0	0	
0	0	1	0	0	0	0	0	0	0	0	
0	0	80	21	2	0	1	6	7	0	0	
0	0	3	0	0	0	0	0	0	0	0	
0	0	1	0	0	0	0	0	0	0	0	
0	0	4	0	0	0	0	0	0	0	0	
0	0	84	21	2	0	1	6	7	0	0	

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. II.

YEARLY Statement of degrees of punishment by the Sessions Judge of Pegu Division for the year ending 31st December 1869.

Persons sentenced to.														Total amount of Fines.							Note to Statement No. 2.		
Transportation.			Imprisonment.								Find Security.			Fines.									
For Life.	From 14 years and above.	From 7 years and above.	From 3 years and above.	From 14 to 7 years. Rigorous.	From 14 to 7 years. Simple.	From 14 to 7 years. With Fines.	From 6 to 3 years. Rigorous.	From 6 to 3 years. Simple.	From 6 to 3 years. With Fines.	Below 3 years. Rigorous.	Below 3 years. Simple.	Below 3 years. With Fines.	For good behaviour.	To keep the peace.	Entered into recognizance to keep the peace.	From Rs. 5,000 to Rs. 1,000	Below Rs. 1,000 to Rs. 500	Below Rs. 500 to Rs. 200.	Below Rs. 200.	Imposed.	Realized.	Ordered.	Paid.	Persons sentenced to Imprisonment.	With stripes.	With Fine and stripes.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	1	2	3
29	...	2	...	7	...	...	28	...	1	8	1	...	...	...	...	.	...	...	1	...	...	...	...	From 14 to 7 years ... From 6 to 3 years..... Below 3 years		

RANGOON,
The 18th June 1870.

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. III.

YEARLY Statement of Appeals preferred to the Sessions Judge of Pegu Division during the year ending 31st December 1869.

DISTRICT.	Office.	Names of Officers.	Pending at the close of the year ending 31st December 1868.	Preferred during the year 1869.	Total.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Returned for re-investigation.	Pending at the close of the year ending 31st December 1869.	Longest No. of days that any suit has been pending.	Date of oldest case pending.	Explanation of entries in columns 13 and 14.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Rangoon	Deputy Commissioner	M. Lloyd	0	5	5	1	1	1	0	2	0	0	0	
do.	Assistant Commissioner.	D. F. Lonsdale	0	3	3	1	0	0	2	0	0	0	0	
do.	do. do.	R. C. Evanson	0	2	2	0	1	1	0	0	0	0	0	
Yandoon	do. do.	C. O. L. Prendergast	0	1	1	0	0	1	0	0	0	0	0	
Bassein	Deputy Commissioner	H. W. Beddy	0	3	*3	0	0	0	0	0	0	0	0	
do.	do. do.	A. R. McMahon	0	1	1	0	0	1	0	0	0	0	0	
do.	Gaol Magistrate	A. C. Nisbet	0	1	1	0	1	0	0	0	0	0	0	
do.	Assistant Commissioner.	Clifford Lloyd	0	1	1	0	0	0	1	0	0	0	0	
Myanoung	Deputy Commissioner	C. P. Hildebrand	0	5	5	2	1	1	1	0	0	0	0	
do.	do. do.	W. C. Plant	0	11	†11	5	2	1	2	0	0	0	0	
Tharrawaddy	Assistant Commissioner.	R. F. St. John	0	1	1	0	0	0	1	0	0	0	0	
do.	do. do.	C. J. F. S. Forbes	0	10	10	1	6	0	0	0	3	0	0	
Prome	Deputy Commissioner	C. W. Street	0	10	10	2	7	0	1	0	0	0	0	
do.	do. do.	Horace Browne	0	15	15	6	7	1	0	0	1	84	9-10-69	
do.	Assistant Commissioner.	C. Phillips	0	12	12	0	5	2	5	0	0	0	0	
do.	do. do.	J. Hind	0	4	4	0	4	0	0	0	0	0	0	
Thayetmyo	Assistant Commissioner.	W. Munro	0	6	6	1	5	0	0	0	0	0	0	
do.	Cantonment Magistrate.	J. M. Grant	0	1	1	1	0	0	0	0	0	0	0	
Toungoo	Deputy Commissioner	W. G. Hughes	0	5	‡5	0	1	0	1	0	2	0	0	
		Total	0	97	97	21	41	9	14	2	6	0	0	

* 2 Transferred to Chief Court.
† 1 do
‡ 1 do

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

RANGOON,
The 18th June 1870.

No. IV.

STATEMENT of Prisoners punished and acquitted by the Sessions Judge of Pegu Division during the year ending 31st December 1869.

No. of Trial.	No. of each prisoner in each Trial.	Names and particulars of Prisoners. Name.	Age.	Caste.	Religion.	Offence charged. Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanations and Remarks. (N. B.) The places and Number of Assessors should be noted.
1	2	3	4	5	6	7	8	9	10	11	12
21 of 1868.	1	Nga Oung .	...37	Burmese.	Buddhist.	302	Murder. Major Munro Assistant Commissioner, Thayetmyo. 10th July 1868.	Murder, Sec. 302 I. P. C.		23rd Jany. 1869. Transportation for life.	Thayetmyo 3 Assessors.
24 of 1868.	1	Nga Bho		Burmese.	Buddhist.	395	Dacoity. Captain Street Deputy Commr: Prome, 8th August 1868.	Dacoity, Sec. 395 I. P. C.		6th Feb. 1869. Prisoners Nos. 1 and 2 five years rigorous imprisonment; No. 3 ten years rigorous imprisonment; No 4 Transportation for life; No. 5 seven years rigorous imprisonment commuted to 7 years transportation.	Prome 2 Assessors.
	2	do. Shway Bin									
	3	do. Shway Nyo									
	4	do. Deippa									
	5	do. Nay									

29 of 1868.	1	Nga Po			398	Dacoity, Major Munro Assistant Commissioner, Thayetmyo. 20th October 1869.	Dacoity, Sec. 395 I. P. C.	19th January 1869. No. 1 Transportation for life. Nos. 2 and 3 Transportation for 7 years.
	2	do. Pyin						
	3	do. Tsan Hla						
32 of 1868.			Burmese.	Buddhist.	396	Dacoity with Murder, C. Phillips Esq. Assistant Commissioner, Prome. 21st November 1868.	Dacoity with Murder, Sec. 396 I. P. C.	Nos. 2 and 3 Transportation for life. 9th Feb. 1869.
	1	Nga Shway Tsan	27					
	2	do. Tha Youk-Kyee						
	3	do. Tha Koo						
35 of 1868.			Burmese.	Buddhist.	302	No. 1 Murder, Nos. 2 to 6 Abetment of Murder, Major McMahon. 7th December 1868.	Murder Sec. 302, Abetment of Murder, Sec. 302 I. P. C. 109	5th January 1869. No. 1 Death, Nos. 2 to 6 Transportation for life.
	1	Nga Kyay	30		302			
	2	do. Nway	18		6			
	3	do. Lay Bouk	38		109			
	4	do. Pho	27					
	5	do. Lay Youk	20					
	6	do. Youk	25					
36 of 1868.			Burmese.	Buddhist.	302	Murder, Abetment of Murder, Major Munro Assistant Commissioner Thayetmyo. 17th December 1868.	Murder Sec. 302, Abetment of Murder, Sec. 302 I. P. C. 109	21st Jany. 1869. Nos. 1 & 2 death, Nos. 3 & 4 Transportation for life.
	1	Nga Loo	39		302			
	2	do. Htoon Myeing	25		302			
	3	do. Htso	29		109			
	4	do. Kyouk Khay	41					

Thayetmyo, 3 Assessors.	Prome, 2 Assessors.	Rangoon, 3 Assessors.	Thayetmyo, 3 Assessors.

No. 1 9th Feby 1869.

No. IV.—*(Continued.)*

No. of Trial.	Names and particulars of Prisoners.					Offence charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanations and Remarks. (N B.) The places and No. of Assessors should be noted.
	No. of each prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence, and date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
2 of 1869. 1 of 1869. 37 of 1868	1	Nga Shway Gan		Burmese	Buddhist.	302 302 111	Murder, Abetment of Murder, C. Phillips Esq. Assistant Commr. Prome.	Murder, Sec. 302 I. P. C.		9th Feby. 1869. Transportation for life.	Thayetmyo, Thayetmyo, Prome, 2 & 4 Assessors. 3 Assessors. Assessors.
	1	Nga Tha Kho	23	Burmese	Buddhist.	302	Murder, Major Munro Assistant Commr. Thayetmyo. 18th January 1869.	Murder, Sec. 302 I. P. C.		23rd Jany. 1869. Transportation for life.	
	1	Nga Tha Ae	24	Burmese.	Buddhist.	395	Dacoity, Major Munro Assistant Commr. Thayetmyo. 15th January 1869.	Dacoity, Sec. 395 I. P. C.		25th Jany. 1869. Transportation for life.	

3 of 1869	1	Mee Phoo			302	Murder, Captain Street, Depy Comr Prome. 2nd January 1869.				Prome, 2 Assessors.
5 of 1869	1	Nga Shway Thai	20	Burmese.	302	Murder, abetment of Murder.	Either Murder, or abetment of Murder, Sec 302/109-111 I. P. C.	25th Feb 1869 Transportation for life		Mymoung, 3 Assessors.
				Buddhist.	302 109 111					Prome, 2 Assessors.
6 of 1869	1	Kurring Sing			307	Attempt to Murder, Captain Street Deputy Commissioner Prome. 1st March 1869.	Attempt to Murder, Sec. 302 I. P. C.	1st March 1869 10 years rigorous imprisonment.		Prome, 2 Assessors.
7 of 1869	1	Nga Ong	25	Burmese	302 304	Murder, Culpable homicide, Capt. Street Deputy Commissioner Prome. 20th February 1869.	Culpable homicide, Sec. 304 I. P. C.	1st March 1869 Transportation for life.		Prome, 2 Assessors.
				Buddhist						
8 of 1869	1	Tsit Poung		Chinese.	302 304	Murder, Culpable homicide, C. Phillips Esq., Assistant Comr Prome. 20th February 1869.	Culpable homicide, Sec. 304 I. P. C.	2nd March 1869 Transportation for life.		Prome, 2 Assessors

5th Feb 1869.

No. IV. *(Continued.)*

No. of Trial	Names and particulars of Prisoners.					Offences charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanations and Remarks. (N. B.) The places and Number of Assessors should be noted.
	No. of each prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
9 of 1869.	1	Nga Shway Tsein	20	Burmese.	Buddhist.	302	Murder, Captain Street Deputy Comr. Prome. 1st March 1869.	Murder, Section 302 I. P. C.		2nd March 1869. Transportation for life.	Prome, 2 Assessors.
10 of 1869.	1	Nga Phoo		Burmese	Buddhist.	302	Murder, Major McMahon Deputy Comr. Toungoo. 18th February 1869.				Died.
11 of 1869.	1	Nga Shway Bay	49	Burmese.	Buddhist.	395	Dacoity, Mr. D. F. Lonsdale Asst. Commissioner Rangoon. 11th Feb. 1869.	Dacoity, Sec. 395, I. P. C.		30th March 1869. 10 years rigorous imprisonment.	Rangoon, 3 Assessors.

12 of 1869.	1	Nga Kyan			302	Murder, Mr. D. F. Lonsdale Asst. Commissioner Rangoon. 23rd Feby. 1869.	Murder, Sec. 302 I. P. C.		30th April. Death.	Rangoon, 2 Assessors.
13 of 1869.	1	Nga Maik			395	Dacoity, Captain Lloyd. Deputy Commr. Rangoon 13th March 1869.	Dacoity, Sec. 395 I. P. C.		30th March 1869. 5 years rigorous imprisonment.	Henzadah, 3 Assessors.
14 of 1869.	1	Nga Koo			302	Murder, Mr. St. John Assistant Commr. Tharrawaddy. 13th March 1869.	Murder, Sec. 302 I. P. C.		1st June 1869. Death.	Rangoon, 3 Assessors.
15 of 1869.	1	Nga Tsan Doon			302 304	Murder, Culpable homicide, W. H. Beddy Esqr Deputy Commr. Bassein. 2nd April 1869.	Culpable homicide, Sec. 304 I. P. C.		7th June 1869. 1 years rigurous imprisonment.	Bassein, 3 Assessors.
16 of 1869.	1	Nga Thaw			302	Murder, Mr. St. John Assistant Commr. Tharrawaddy. 6th April 1869.	...		...	Henzadah, 3 Assessors.
17 of 1869.	1	Nga Nay Doon			392	Robbery, Mr. D F. Lonsdale Asst. Commr. Rangoon. 28th January 1869.	Robbery, Sec. 392 I. P. C.		21st June 1869 Each 5 years rigorous imprisonment.	Rangoon, 2 Assessors.
	2	do. Ngoon								
			28	Burmese.	Buddhist.			1st June 1869		
			22	Burmese.	Buddhist.					
			20	Burmese.	Buddhist.					
			25	Burmese.	Buddhist.					

No. IV.—(*Continued.*)

No. of Trial	Names and particulars of Prisoners.					Offence charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanations and Remarks. (N. B.) The places and No. of Assessors should be noted.
	No. of each prisoner on trial.	Name.	Age	Caste.	Religion.	Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
20 of 1869. 19 of 1869. 18 of 1869.	1	Nga Shway Yo	22	Burmese.	Buddhist.	392	Robbery, Mr. D. F. Lonsdale Asst. Commr. Rangoon. 20th Feby. 1869.	Robbery, Sec. 392 I. P. C.		19th May 1869. Each 3 years rigorous imprisonment, (No. 3 died.)	Rangoon, 3 Rangoon, 3 Assessors. Assessors.
	2	do. Hmo	23	Burmese.	Buddhist.						
	3	do. Nay Pho									
	1	Nga Khyaing	20	Burmese.	Buddhist.	392	Robbery, Mr. D. F. Lonsdale Asst Commr. Rangoon. 20th Feby. 1869.	Robbery, Sec. 392 I. P. C.		17th May 1869. 3 years rigorous imprisonment.	
	1	Nga Khaik	20	Burmese.	Buddhist.	392	Robbery, Mr. D. F. Lonsdale Asst. Commr. Rangoon. 5th March 1869.	Robbery, Sec. 392 I. P. C.		18th May 1869. 3 years rigorous imprisonment.	
	2	do. Myat Win	19	Burmese.	Buddhist.						

28 of 1869.	1	Rebecca Durand *alias* Chill		494	Marrying again during the life time of her husband Col. H. A. Browne, D. C. Prome. 1st May 1869.	Marrying again Sec. 494, I. P. C.		2nd Oct. 1869, one month simple imprisonment.	Prome, 2 Assessors.	
37 of 1869	1	Nga Shway Hla	Burmese.	307	Attempt to murder, Mr. C. Phillips A. C. Prome. 18th May 1869.	Attempt to murder, Sec. 307, I. P. C.		1st Oct. 1869. 7 years rigorous imprisonment.		
25 of 1869.	1	Nga Moh	Buddhist.	302	Murder, Mr.C. Phillips A. C. Prome. 27th May 1869.	Murder, Sec. 302, I. P. C.		1st Oct. 1869. Transportation for life.		
24 of 1869.	1	Nga Shway Thin	Buddhist.	302	Murder, Mr. St. John, Assistant Commissioner, Tharrawaddy. 8th July 1869.	Murder, Sec. 302, I. P. C.		21st Oct. 1869 Death.	Myanoung, 2 Assessors.	
26 of 1869	1	Nga Ton Dwon	Burmese.	21						
	2	Myat Oung	Buddhist.	395	Dacoity, Col Browne, D. C. Prome. 19th June 1869.	Dacoity, Sec. 395, I. P. C.		11th Oct. 1869 2nd and 3rd to suffer rigorous imprisonment for 5 years each.	Prome, 2 Assessors.	
	3	Nga Khyaug	Burmese.							
28 of 1869.	1	Nga Bho lot	Buddhist.	576	Rape, Col. Browne D. C. Prome. 19th June 1869.	Rape, Sec. 376, I P. C.		4th Oct. 1869. Rigorous imprisonment for 5 years.		
			Burmese.							
			Buddhist.							

No. 1 11th Oct. 1869.

No. IV.—*(Continued.)*

No. of Trial.	Names and particulars of Prisoners.					Offence charged.		Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanations and Remarks (N. B.) The places and No. of Assessors should be noted.
	No. of each prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.				
1	2	3	4	5	6	7	8	9	10	11	12
29 of 1869.	1	Nga Pha	25	Burmese	Buddhist.	304	Culpable homicide, Capt. R. E. Evanson, Assistant Commissioner Rangoon. 21st July 1869.	Culpable homicide, Sec. 304.		24th July 1869. 4 years rigorous imprisonment.	No Assessors.
30 of 1869.	1	Nga Kyaw	20	Burmese	Buddhist.	396	Dacoity with Murder, Abetment do. Mr. Clifford Lloyd Assistant Commr. Bassein. 16th Augst. 1869.	Abetment of Dacoity with Murder, Sec. 396 109	2 to 5, 7th Dec. 1869.	7th Dec. 1869. 1st Prisoner 6 years rigorous imprisonment.	Bassein, 2 Assessors.
	2	Nga Loogalay	62			396 109					
	3	Nga Tha Myah	37								
	4	Nga Lat	38								
	5	Nga Att	36								
31 of 1869.	1	Nga Htoung		Burmese	Buddhist.	302 304	Murder, Culpable homicide Col. Browne Deputy Commr. Prome. 23rd August 1869.	Murder, Sec. 302 I. P. C.		5th Oct. 1869. Transportation for life.	Prome, 2 Assessors.

33 of 1869.	1	Nga Mogalay	22	Burmese.	Buddhist.	396	Dacoity with Murder, Mr. Clifford Lloyd, Assist Commr: Bassein. 10th September 1869.	Dacoity with Murder, Sec 396 I. P. C.		1st Dec. 1869. Each to suffer Transportation for life.	Bassein, 2 Assessors.
	2	do. Nyo Pa	22								
	3	do. Kyan	26								
	4	do. Mo gyee	30								
34 of 1869.	1	Nga Tsan Hlabaw		Burmese.	Buddhist.	395	Dacoity, Col. Horace Browne Deputy Commr. Prome. 14th Sept. 1869.	Dacoity, Sec. 395 I P. C.		12th Oct. 1869 1st and 3rd Prisoners to 3½ years. 2nd and 5th Prisoners to 3 years and 4th Prisoners to 2 years all rigorous imprisonment	Prome, 2 Assessors.
	2	do. Kyaw Zan									
	3	do. Tsan Da									
	4	do. Tha Koo									
	5	do. Shway Tha									
35 of 1869.	1	Nga Kyouk Khay		Burmese.	Buddhist.	392	Robbery, Col. Horace Browne Deputy Commr. Prome. 22nd Sept. 1869.	...	6th Oct 1869. Acquitted.	...	Prome, 2 Assessors.
	2	do. Shway Nyo									
36 of 1869.	1	Nga Yan Way		Burmese.	Buddhist.	392	Robbery, Col. Horace Browne Deputy Commr. Prome. 22nd Sept. 1869.	Robbery, Sec. 392 I. P. C.	7th Oct 1869 Prisoners 2, 3, and 4 acquitted	7th Oct. 1869. Prisoner No. 1 rigorous imprisonment for 8 years.	Prome, 2 Assessors.
	2	do. Yay									
	3	do. Tha Youk									
	4	do. Tha Lan									
37 of 1869.	1	Nga Yan Way		Burmese.	Buddhist.	395	Theft, Col. Horace Browne Deputy Commr. Prome. 22nd September 1869.	Theft, Sec. 395 I. P. C.	7th Oct. 1869. Prisoners 2, 3, and 4 acquitted.	7th Oct. 1869. Prisoner No. 1 sentenced in case No. 36.	Prome, 2 Assessors.
	2	do. Yay									
	3	do. Tha Youk									
	4	do. Tha Lau									
38 of 1869.	1	Nga Htoon Oung		Burmese.	Buddhist.	394	In committing Robbery. caused hurt, Col. Horace Browne Deputy Commr. Prome. 27th Sept. 1869.	In committing Robbery caused hurt, Sec. 394 I. P. C.		4th October 1869. Rigorous imprisonment for 6 years.	Prome, 2 Assessors.

No. IV.—(*Continued.*)

No. of Trial.	Names and particulars of Prisoners.					Offence charged.					
	No. of each prisoner in each Trial.	Name.	Age.	Caste.	Religion.	Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanations and Remarks. (N. B.) The places and Number of Assessors should be noted.
1	2	3	4	5	6	7	8	9	10	11	12
39 of 1869.	1	Nga Htsaik		Burmese.	Buddhist.	457	House breaking by night, Col. Horace Browne Depy. Commr. Prome. 27th September 1869.	House breaking by night, Sec. 457 I. P. C.		8th Oct. 1869. Rigorous imprisonment for 4 years.	Prome, 2 Assessors.
40 of 1869.	1	Nga Tsee		Burmese.	Buddhist.	376/511	Attempt at Rape, Col Horace Browne Deputy Commissioner Prome. 28th September 1869.	Attempt at Rape, Sec. 376/511 I. P. C.		6th Oct. 1869. Rigorous imprisonment for 2 years.	Prome, 2 Assessors.
41 of 1869.	1	Nga Myat Gyee		Burmese.	Buddhist.	376/511	Attempt at Rape, Col. Horace Browne Deputy Commissioner Prome. 23rd September 1869.	Attempt at Rape, Sec. 376/511 I. P. C.		7th Oct. 1869. Rigorous imprisonment for 2 years.	Prome, 2 Assessors.

24 of 1866	1	Nga Kouk			395	Dacoity, Col H. Browne, Deputy Commr. Prome. 6th October 1869.	Dacoity, Sec. 395 I. P. C.		12th Oct. 1869. Rigorous imprisonment for 5 years.
43 of 1869.	1	Nga Thaing *alias.* Oo Tay Za	Burmese.	Buddhist.	232	Counterfeiting coin, Col. H. Browne Depy. Commr. Prome. 9th October 1869.	Counterfeiting coin, Sec. 232 I. P. C.		14th Oct. 1869. Rigorous imprisonment for 6 years.
44 of 1869	1	Nga Tsan Oo	Burmese.	Buddhist.	240	Possessing and passing counterfeit coin, Col. H. Browne. 9th Oct. 1869.	Possessing and passing counterfeit coin, Sec. 240 I. P. C.		14th Oct. 1869. Rigorous imprisonment for 1 year.
45 of 1869.	1	Nga Pay Lon	Burmese.	Buddhist.	376	Rape, Col. H. Browne, Deputy Commr. Prome. 12th October 1869.	Rape, Section 376 I. P. C.		14th Oct. 1869. Rigorous imprisonment for 3 years & to pay a fine of Rs. 60.
46 of 1869	1	Nga Shway Weng	Burmese.	Buddhist.	302	Murder, Col. H. Browne Deputy Commr. Prome. 18th October 1869.	Murder, Section 302 I. P. C.		18th Oct. 1869. Transportation for life.
47 of 1869	1	Nga Pike To	Burmese.	Buddhist.	326	Causing grievous hurt by deadly weapon Lloyd Assistant Commr. Bassein. 14th Sept. 1869.	Causing grievous hurt by deadly weapon Sec. 326 I. P. C.		1st Dec. 1869. 4 years rigorous imprisonment.
48 of 1869	1	Nga Mogalay	Burmese.	Buddhist.	395	Dacoity, Mr. Clifford Lloyd Assittant Commr. Bassein. 15th Sept. 1869.	Dacoity, Sec. 395 I. P. C.		1st Dec. 1869. 3rd Prisoner to 5 years rigorous imprisonment, 1st and 2nd sentenced in other case.
	2	do. Myo Pa	Burmese.	Buddhist.	22				
	3	do. Khyeing	Burmese.	Buddhist.	22				
					47				

Bassein, 2 Prome, 2 Prome, 2 Prome, 2 Prome, 2 Assessors, Assessors, Assessors, Assessors, Assessors, Assessors.

No. IV.—(*Continued.*)

No. of Trial.	No. of each prisoners in each Trial.	Names and particulars of Prisoners. Name.	Age.	Caste.	Religion.	Offence charged. Section of Code applicable.	Offence and date of perpetration and name of committing Officer and date of Commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Explanations and Remarks. (N. B.) The places and Number of Assessors should be noted.
1	2	3	4	5	6	7	8	9	10	11	12
50 of 1869. 51 of 1869.	1	Nga Shway Eng	39	Burmese	Buddhist	325	Possession of instrument for counterfeiting coin, Major H. N. Davies, D. C. Rangoon. 17th Nov. 1869.		15th Dec. 1869.		
	2	do. Shway Doon.	20								
	1	Nga Pho gyee	30	Burmese	Buddhist	363	Kidnapping, Mr. R. A. D. Perreau A. C. Nga Thaingyoung. 24th Augt. 1869.	Kidnapping, Sec. 363, I. P. C.		2nd Dec 1869. 1st Prisoner to 3 years 2nd Prisoner to 2 years Rigorous imprisonment.	
	2	Mee Lon bon	20								
52 of 1869.	1	Nga Oung gyee	33	Burmese	Buddhist	218	Framing an incorrect document with the intention of saving persons from punishment.	Framing an incorrect document and taking gift to screen offenders.		2nd December 1869 1st Prisoner to one year Rigorous imprisonment, 2nd Prisoner to pay a fine of Rs. 150.	Bassein, 2 Bassein, 2 Rangoon, 2 Assessors. Assessors. Assessors.
	2	Nga Kwoot	45			213	Taking gift to screen offenders Mr R A D. Parreau A C. Nga Thaingyoung. 21st August 1869.				

53 of 1869.	1	Nga Htoon Oung	28	Burmese.	Buddhist.	307 326	Attempt to Murder, Causing grievous hurt, Mr. R. A. D. Perreau Asst. Comr. Nga Thaing-gyoung. 22nd September 1869.	Causing grievous hurt, Sec. 326 I. P. C.	3rd Dec. 1869. 5 years rigorous imprisonment.	Bassein, 2 Assessors.	
54 of 1869.	1	Nga Shway Htsan	39	Burmese.	Buddhist.	213	Taking gift to screen offender, Mr. R. A. D. Perreau Asst. Comr. Nga Thaing-gyoung. 8th Oct. 1869.	Taking gift to screen offender, Sec. 213 I. P. C.	4th Dec. 1869. 6 months Rigorous imprisonment.	Bassein, 2 Assessors.	
55 of 1869.	1 2 3	Nga Tha Myat do. Shway Byaw do. Oung Tha		Burmese.	Buddhist.	392	Robbery, Mr. R. A. D. Perreau Asst. Comr. Nga Thaing-gyoung. 5th October 1869.	...	...	Bassein, 2 Assessors.	9th Dec. 1869 all.
56 of 1869.	1	Abdool Jaleel		Mahomedan		302	Murder, Capt. W. W. Pemberton Deputy Commr. Bassein. 3rd Oct. 1869.	Murder, Sec. 302 I. P. C.	9th Dec. 1869. Death.	Bassein, 2 Assessors.	
57 of 1869.	1	Nga Loo		Burmese.	Buddhist.	376	Rape, Mr. R. A. D. Perreau Asst. Comr. Nga Thaing-gyoung. 3rd Dec. 1869.	...	...	Bassein, 2 Assessors.	6th Dec. 1869.
58 of 1869.	1	Nga Koung		Burmese.	Buddhist.	302 326	Murder, grievous hurt, Capt. W. W. Penberton Depy. Commr. Bassein. 9th December 1869.	Murder, Sec. 302 I. P. C.	9th Decr. 1869. Transportation for life.	Bassein, 2 Assessors.	

RANGOON,
The 18th June 1870.

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. V.

YEARLY STATEMENT of Sentences of Death referred for the confirmation of the Sudder Court by the Sessions Judge of Pegu Division for the year ending 31st December 1869

No. of referred Sentence.	Prisoners. No.	Prisoners. Name.	Prisoners. Caste.	Offence of which Prisoners is convicted by Sessions Court with Sec. of Code thereto applicable.	Date of Commitment.	Date of Conclusion of trial.	Date of Reference to the Sudder Court.	Date of the Sudder Court. Receipt of the Record.	Date of the Sudder Court. Final order.	Remarks.
1	2	3	4	5	6	7	8	9	10	
35 of 1868.	1	Nga Kyay	Burmese	Murder, Sec 302 I P.C.	7th Decr. 1868.	5th Jany. 1869.	7th Jany. 1869.	7th Jany. 1869.	7th Jany. 1869.	Sentence confirmed.
36 of 1868.	1	Nga Loo	Burmese	Murder, Sec 302 I.P.C.	17th Decr. 1868.	21st Jany. 1869.	26th Jany. 1869.	26th Jany. 1869.	15th Febry. 1869.	Sentence confirmed.
	2	Nga Htoon Mycing								
12 of 1869.		Nga Kyan	Burmese	Murder, Sec 302 I.P.C.	23rd Febry. 1869.	3rd April 1869.	7th April 1869.	7th April 1869.	8th April 1869.	Sentence confirmed.
14 of 1869.	1	Nga Koo	Burmese	Murder, Sec 302 I.P.C.	13th March 1869.	1st June 1869.	19th June 1869.	19th June 1869.	20th June 1869.	Sentence confirmed.
26 of 1869.	1	Nga Shway Thin	Burmese	Murder, Sec 302 I.P.C.	8th July 1869.	21st Octr. 1869.	30th Octr. 1869.	30th Octr. 1869.	4th Novr. 1869.	Sentence confirmed.
56 of 1869.	1	Abdool Jaleel	Mhd.	Murder, Sec 302 I.P.C	3rd Decr. 1869.	9th Decr. 1869.	24th Decr. 1869.	24th Decr. 1869.		Under reference to Chief Court.

RANGOON,
The 18th June 1870.

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. VI. A—SESSIONS.

YEARLY STATEMENT of Criminal trials and Judicial Proceedings called for by the Sudder Court for revision under Chapter XXIX, of the Code of Criminal Procedure and in Appeal under Chapter XXX of the same Code during the year ending 31st December 1869.

No. of Case called for.	Prisoners. No.	Prisoners. Name.	Prisoners. Caste.	Offence of which he has been convicted by the Sessions Court with Section of Code thereto applicable.	For revision under chapter XXIX Code of Criminal Procedure.	On Appeal under chapter XXX Code of Criminal Procedure.	Date of despatch of the Case to the Sudder Court.	Date of the Sudder Court. Receipt of the Record.	Date of the Sudder Court. Final order.	Remarks.
1	2	3	4	5	6	7	8	9	10	
32 of 1868	1	Nga Tha Koo	Burmese.	Dacoity with Murder, Section 396 I. P. C.	For revision.		24th November 1869.	24th Novr. 1869.		No order received yet.

RANGOON,
The 18th June 1870.

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. VI. B.—DISTRICT.

YEARLY STATEMENT of Criminal trials and Judicial Proceedings called for by the Sudder Court for revision under Chapter XXIX of the Code of Criminal Procedure and in Appeal under Chapter XXX of the same Code during the year ending 31st December 1869.

No. of Case called for.	Prisoners. No.	Prisoners. Name.	Prisoners. Caste.	Offence of which he has been convicted by the Sessions Court with Section of Code thereto applicable.	For revision under chapter XXIX Code of Criminal Procedure.	On Appeal under chapter XXX Code of Criminal Procedure.	Date of despatch of the Case to the Sudder Court.	Date of the Sudder Court. Receipt of the Record.	Date of the Sudder Court. Final order.	Remarks.
1	2	3	4	5	6	7	8	9	10	
95 of 1868.	1	Nga Kalai	Burmese	Cheating, Section 420 I. P. C.	For revision	...	5th February 1869.	...	13th May 1869.	Sentence reduced to one half *i. e.* one year Rigorous imprisonment and fine Rs. 500.
1 of 1868 of Deputy Commissioner Rangoon.	1	Nga Nay Doon	Burmese	Robbery, Section 329 I. P. C.	do.	...	20th April 1869.	20th April 1869.	29th April 1869.	Sentence null and void and Prisoners to be put on trial before Sessions Court.
	2	Nga Nyoon								

5 of do. do.	1 Nga Khyait 2 Nga Myet Win	Burmese.	do.	do.	...	do.	do.	do.	do.
4 of do. do.	1 Nga Thain	Burmese.	do.	do.	...	do.	do.	do.	do.
3 of 1868 do.	1 Nga Shway Yo 2 Nga Se Moh 3 Nga Shway Pho	Burmese.	do.	do.	.	do.	do.	do.	do.
58 of 1869	1 Nga Shway Tha	Burmese.	Concealing Stolen property, Section 414 I. P. C	do.		18th Sept. 1869.	18th Sept. 1869.	7th Oct. 1870.	Sentence reversed.

H

RANGOON,
The 18th June 1870.

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

No. VII.

YEARLY STATEMENT of Prisoners awaiting trial by Sessions Judge of Pegu Division at the close of the year ending 31st Dec. 1869.

No. of Pending Trial.	Prisoners. No.	Prisoners. Names.	Prisoners. Caste.	Offence charged, with Section of Code thereto applicable.	Date of Commitment.	No. of days during which Prisoners have been waiting trial.	Prisoners. In Custody.	Prisoners. On Bail.	Date of decision if decided since the close of the month to which the Statement refers.	Explanation of the delay by the Sessions Judge, of cases pending for three months and upwards.
1	2	3	4	5	6	7	8	9	10	11
22 of 1869	1	Nga Moung Gyee	Burmese	Murder, Sec. 302 I. P. C.	28th May 1869.	217	1	...	.....	Cases from Toungoo the Sessions Judge did not proceed on Circuit to this Station during the Calendar year—as the transfer of Toungoo to the Tenasserim Division was expected.
25 of 1869	1	Nga Shway Hman	"	Murder, Sec. 302 I. P. C.	18th June 1869.	196	2	...	.....	
	2	Nga Shway Pyoung								
32 of 1869	1	Nga Pyoo	"	Attempt to Murder, Sec. 307 I. P. C.	6th Sept. 1869.	98	1	..	.....	
49 of 1869	1	Nga Tok	"	Culpable homicide, Sec. 304 I. P. C.	5th Nov. 1869.	54	1	..	.....	
59 of 1869	1	Nga Lang	"	Murder, Sec. 302 I. P. C.	20th Nov. 1869.	41	1	..	.....	
60 of 1869	1	Mahomed Sheriff	Mahd.	Murder, Sec. 302 I. P. C.	25th Nov. 1869.	36	1	...	.....	

RANGOON,
The 18th June 1870.

R. D. ARDAGH.
Commissioner of Pegu and Sessions Judge.

B.

STATISTICS of Criminal Justice in the Pegu Division of British Burma during the years 1868 *and* 1869.*

1	2	3		4		5		6		7		8		9		10						11	12	13	14	15
DISTRICT.	Years	No. of persons whose cases were pending at the end of the previous year.		No. of persons brought to trial during the year.		No. of persons convicted.		No. of persons committed		No. of persons acquitted.		No. of persons who died, escaped, were transferred, or otherwise disposed of.		No. of persons under trial at the close of the year.		TOTAL AMOUNT OF FINES.						Proportion of persons brought to trial for Bailable offences to population	Proportion of persons brought to trial for Non-Bailable offences to Population.	Proportion of convictions and commitments to No. of persons brought to trial in Bailable offences.	Proportion of convictions and commitments to No. of persons brought to trial in Non-Bailable offences.	Population
		In Bailable offences	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences	Imposed.		Realized		Compensation under Section 44, of the Code of Criminal Procedure. Ordered.		Paid.						
Town Magistrate	1868	28	4	4,223	367	2,405	184	0	2	1,864	178	0	11	43	1	30,662 0 0		24,999 0 0		23 0 0		23 0 0		5.9	.5	55	50	72,268
	1869	42	1	6,732	497	3,521	223	1	50	5,087	161	0	2	165	a 1	46,580 8 0		31,378 12 0		1,283 4 0		1,263 4 0		9.4	.6	52	63	71,369
Cant: Magistrate	1868	6	0	544	32	356	16	0	0	184	15	1	0	9	0	2,116 0 0		2,116 0 0		0 0 0		0 0 0		15.1	.8	65	50	3,574
	1869	0	0	865	42	495	22	1	1	177	19	191	0	1	0	2,312 5 0		2,312 5 0		0 0 0		0 0 0		14.1	.7	57	40	6,119
District of Rangoon	1868	49	8	2,557	774	758	322	0	6	1,695	449	0	9	42	6	17,124 0 0		12,100 0 0		527 8 0		527 8 0		.9	.2	29	41	283,807
	1869	42	6	2,886	1,049	915	421	0	19	1,964	579	0	1	29	b 28	15,197 0 0		12,409 0 0		220 0 0		220 0 0		7	.2	31	40	361,437
Do. Bassein	1868	5	2	1,852	801	920	469	0	18	933	311	5	3	0	5	15,005 10 0		14,702 10 0		1,434 2 0		1,434 2 0		6	.3	49	58	291,217
	1869	0	5	2,697	1,044	1,244	610	3	41	1,024	388	419	3	0	5	18 878 4 0		14,782 14 0		2,448 1 0		2,223 1 0		8	.3	46	63	300,011
Do. Myanoung	1868	12	18	3,039	1,091	1,535	739	1	10	1,508	342	3	10	4	8	44,122 0 0		24,952 0 0		1,462 0 0		772 0 0		7	.2	50	67	398,627
	1869	4	8	3,631	1,402	1 809	973	0	6	1,663	401	159	4	4	28	33,145 0 0		22,262 0 0		1,636 0 0		132 8 0		.8	.3	49	69	423,998
Do. Prome	1868	1	5	3,803	1,323	2,171	811	0	36	1,632	440	0	2	1	39	34,074 2 0		26,725 14 0		5,357 4 0		2,215 8 0		1 0	.3	57	63	360,715
	1869	1	40	5,164	1,807	2,831	1,012	1	60	2,298	533	19	7	16	30	45,856 14 9		29,694 6 6		3,515 10 0		1,647 2 0		1.0	.4	55	66	388,802
Do Toungoo	1868	1	3	1.123	228	481	155	0	6	641	68	2	0	0	1	7,409 8 0		4,421 12 0		1,623 0 0		1,259 8 0		1.4	.3	42	70	76,950
	1869	0	1	943	170	413	109	0	6	530	54	0	1	0	1	6,345 0 0		4,105 0 0		1,360 0 0		1,073 0 0		1.1	.2	43	67	79,257
Total....	1868	102	40	17,198	4,616	8,626	2,694	1	77	8,567	1,798	11	26	89	30	1,50,573 4 0		1,07,020 4 0		10,457 8 0		6,231 7 0		1.16	.31	49	58	1,494,155
	1869	89	61	22.916	5,751	11.228	3,370	6	177	10,768	2,140	788	21	222	90	1,68,314 15 9		1,16,944 5 6		10,461 15 0		6,708 15 0		1.49	.37	49	61	1,935,583

(a) 1 Case disposed of by Local Government.

(b) 3 Cases and 13 persons transferred to Sessions Court.

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

STATEMENT shewing the duration of Criminal Cases and detention of Witnesses in the several Districts of the Division of Pegu during the year 1869.

District.	Number of Cases decided within days as under.																Total No. of cases.	Total No. of days	Average duration of each case.	Date of oldest case pending.	Number of Witnesses discharged after												Total
	1 Day.	2 Days.	3 Days.	4 Days.	5 Days	6 Days.	7 Days.	8 Days.	9 to 15 Days	16 to 25 Days.	26 to 30 Days.	31 to 45 Days.	46 to 60 Days.	61 to 90 Days.	91 to 120 Days.						1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	8 Days.	9 to 15 Days.	16 to 23 Days.	24 to 30 Days.	More than 30 Days	
Town Magistrate Rangoon.	687	160	283	285	320	440	400	308	173	31	..	.	1	..	1		3,289	15,575	5	6th Nov. 1869.	6,313	.		..	..	..	..	..	..	..	..	..		6,313
Cantonment Magistrate	197	36	66	53	23	36	22	12	27	2	1	..	..	..	.		475	1,662	3	8th Dec. 1869.	561	..		..	..	..	..	..	..	..	..	..		561
Total....	1,084	196	349	338	343	476	422	320	200	33	1	..	1	..	1		3,764	17,237	5	..	6,874	..	..	..	..	..	..	..	..	..	..	..		6,874
Rangoon	412	260	212	230	102	117	85	96	151	108	42	32	27	15	14		1,903	17,048	9	Dec 1869	1,929	900	452	54	41	12	6	2	..	..	..	..		3,396
Bassein	633	235	295	145	93	90	58	52	106	85	20	13	3	14	1		1,788	9,182	5	May 1867	3,273	757	369	199	10	7	..	..	..	..	10	..		4,625
Myanoung	1,253	382	303	273	149	103	106	111	204	73	30	23	10	1	..		3,021	12,947	4	19th Nov 1869.	6,711	740	200	91	213	15	1	18	12	..	6	..		8,007
Prome	988	505	542	480	317	206	135	127	245	148	35	56	2	6	3		5,795	19,467	5	Nil.	9,354	1,684	396	150	30	19	11	11	6	..	..	..		11,641
Toungoo	265	126	67	56	32	28	27	22	23	4	4	..	..	..	..		654	2,181	3	Nil.	1,117	146	36	4	1	13	..	..	..	..	..	..		1,317
Total....	3,551	1,508	1,359	1,184	696	544	411	408	729	418	131	124	42	36	18		11,161	60,825	5	..	22,384	4,227	1,453	478	295	66	18	31	18	..	16	..		28,966
Grand Total....	4,635	1,704	1,708	1,522	1,041	1,020	833	728	929	451	132	124	43	36	19		14,925	78,062	5		29,258	4,227	1,453	478	295	66	18	31	18	..	16	..		35,866

RANGOON,
The 18th June 1870.

R. D. ARDAGH,
Commissioner of Pegu and Sessions Judge.

A.

Whipping Return for the year 1869.

WHIPPING IN LIEU OF OTHER PUNISHMENT UNDER SECTION 2, ACT VI OF 1864.					WHIPPING IN LIEU OR IN ADDITION ON A SECOND CONVICTION (FOR OFFENCES IN COL. 1) SECTION 3 ACT VI OF 1864.			WHIPPING IN ADDITION TO OTHER PUNISHMENT ON A SECOND CONVICTION FOR THE OFFENCES DETAILED BELOW, UNDER SECTION 4, ACT VI OF 1864.				
1	2	3			4			5	6	7		
Nature of the Offence.	Section of the Indian Penal Code under which it comes.	No. of persons flogged.			No. of persons flogged.			Nature of the Offence.	Section of Indian Penal Code.	No. of persons flogged.		
		Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.			Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
1. Theft	278	0	4	3	0	1	0	1. Assaulting or using criminal force to any woman with intent to outrage her modesty ...	354	0	3	6
2. Do. in a building, tent, or vessel.	350	10	9	3	0	5	5					
3. Dishonestly receiving stolen property. ...	411	0	0	0	1	0	1					
4. Lurking House Trespass by night ...	444 & 446	0	0	0	0	1	0	2. Lurking House Trespass by night ...	444 & 446	1	1	0
Total...		10	13	6	1	7	6	Total..		1	4	6

Whipping Return.—(Continued.)

B.

CASES OF JUVENILE OFFENDERS PUNISHED WITH WHIPPING UNDER SECTION 5, ACT VI OF 1864.

Nature of Offence.	Section of the Indian Penal Code.	No. of persons flogged		
		Up to 10 Stripes.	Up to 20 Stripes	Up to 30 Stripes.
Theft of Cattle ordinary,	379 to 381	9	25	13
Hurt by dangerous weapons,	324	0	1	0
Dishonestly receiving stolen property,	411	0	2	1
	452	0	1	0
Lurking house,	458			
Total..		9	29	14

RANGOON,
The 18th June 1870.

C.

Appeals under the Whipping Act.

NIL.

R D. ARDAGH,
Commissioner of Pegu and Sessions Judge

No. I.

GENERAL STATEMENT of the Sessions Judge of Tenasserim Division of British Burma, for the year ending 31st December 1869.

Class.	Authority.	Description.	Under trial at the close of 1868. Cases.	Under trial at the close of 1868. Persons.	Committed to the Sessions during 1869. Cases.	Committed to the Sessions during 1869. Persons.	Received from other quarters. Cases.	Received from other quarters. Persons.	Total number of persons under Trial.	Disposed of. Commitments cancelled.	Disposed of. Referred to the Court of the Chief Commissioner, British Burma.	Disposed of. Convicted.	Disposed of. Acquitted.	Disposed of. Died.	Disposed of. Escaped.	Disposed of. Transferred.	Under trial at the close of 1869. Cases.	Under trial at the close of 1869. Persons. In custody.	Under trial at the close of 1869. Persons. On bail.	Under trial at the close of 1869. Persons. On recognizance.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
B.	139	Giving false evidence,	0	0	1	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0
„	212	Harbouring an offender,	1	1	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0
A.	302	Murder	0	0	3	4	0	0	4	0	0	0	0	2	0	0	2	2	0	0
„	302 / 109-302 / 392	Murder &c.	0	0	1	3	0	0	3	0	0	3	0	0	0	0	0	0	0	0
„	302 / 109-302 / 307-212	Murder &c.	0	0	2	3	0	0	3	0	0	0	0	0	0	0	2	3	0	0
„	302	Murder &c.	0	0	1	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0
„	304 / 325	Culpable homicide &c.	0	0	1	1	0	0	1	0	0	0	0	0	0	0	1	1	0	0
„	326	Voluntarily causing grievous hurt	0	0	1	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0
„	366 / 372	Kidnapping &c.	0	0	1	2	0	0	2	0	0	1	1	0	0	0	0	0	0	0
„	396 / 412	Murder in Dacoity,	0	0	2	2	0	0	2	0	0	2	0	0	0	0	0	0	0	0
„	400	Belonging to a gang of Dacoits	0	0	1	2	0	0	2	0	0	0	0	0	0	0	1	2	0	0
„	436	Mischief by fire,	0	0	1	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0
		Total ...	1	1	15	21	0	0	22	0	1	9	2	2	0	0	6	8	0	0

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Commissioner of Tenasserim, and Sessions Judge.

No. II.

STATEMENT of degrees of Punishment inflicted by the Sessions Judge of Tenasserim Division of British Burma, for the year ending the 31st December 1869.

Persons sentenced to.																	Total Amount of Fines.				Note to Statement No. II.		
Transportation.				Imprisonment.						Find Security.			Fine.										
	For life.	For 14 years and above.	For 7 years and above.	From 14 to 7 years.			From 6 to 3 years.			From 3 years.			For good behaviour.	To keep the peace.	Enter into recognizance to keep the peace.	From Rs. 5000 to Rs. 1000	Below Rs. 1000 to Rs. 500	Below Rs. 500 to Rs. 200	Below Rs. 200	Imposed.	Realized.	Ordered	Paid.	Persons sentenced to Imprisonment.	With stripes.	With fine and stripes.
				Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.	Rigorous.	Simple.	With fine.										Applied in compensation under Section 44, Code of Criminal Procedure.			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	1	2	3
Lt. Col. E. E. Ryan.	3	,,	,,	3	,,	,,	2	,,	,,	1	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	From 14 to 7 years.		
																								From 6 to 2 years.		
																								Below 2 years .		
																								Total . .		

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Comr. of Tenasserim and Sessions Judge.

No. III.

STATEMENT of Appeals preferred to the Sessions Judge of Tenasserim Division of British Burma, for the year ending 31st December 1869

District.	Office.	Names of Officers.	Appeals from convictions on trial and from orders under Chaps. X, and XIX Code of Criminal Procedure.											
			Pending at the close of 1868.	Preferred during 1869.	Total.	Rejected.	Orders confirmed.	Orders modified.	Orders reversed.	Returned for re-investigation.	Pending at the close of 1869.	Longest number of days that any Suit has been pending.	Date of oldest case pending.	Explanation of Entries in Columns 13 and 14.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Amherst	Depy. Comr	Major A. G. Duff	...	6	6	...	4	1	1	...	..	...	...	
	Asst Comr.	G. E. Barr Esq.	...	5	5	...	3	1	1	...	...	...	...	
	Do.	C. J. F. S. Forbes Esq.	1	3	4	...	1	2	1	...	...	...	...	
Maulmain Town.	Magistrate.	Capt. W W Pemberton	...	1	1	...	...	...	1	...	...	...	...	
Tavoy ...	Depy. Comr.	Lt.-Col. G. Faithfull	...	4	4	...	2	1	1	..	...	...	...	
Mergui ...	Do.	J. Shepherd Esq.	...	2	2	...	2	...	...	...	...	...	...	
Shwè-Gyeen	Do.	Capt. C. E. Watson	..	4	4	...	3	...	1	...	...	...	...	
	Asst. Comr. Sittang.	H. Buckle Esq. ...	...	1	1	...	1	...	...	...	...	...	...	
		Total...	1	26	27	...	16	5	6	...	...	...	...	

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Comr. of Tenasserim and Sessions Judge.

No. IV.

STATEMENT of Prisoners punished and acquitted by the Sessions Judge of Tenasserim Division, for the year ending 31st December 1869.

No. of Trial.	No. of each prisoner in each Trial.	Names and particulars of Prisoners. Name.	Age.	Caste.	Religion.	Offence charged. Section of Code applicable.	Offence, date of perpetration and name of committing Officer and date of commitment.	Offence established, quoting Section of Code thereto applicable.	Acquitted with date.	Convicted with date and particulars of sentence.	Places and Number of Assessors to be noted
1	2	3	4	5	6	7	8	9	10	11	12
2	1	Nga Kyaw	30		Buddhist.	396-412	Murder in Dacoity and dishonestly receiving stolen property, 15th Nov 1868, Capt. C. E. Watson. 15th January 1869.	Murder in Dacoity, Section 396		Convicted & sentenced to 10 years rigorous imprisonment. 20th August 1869.	1 OoPho 2 Moungyit 3 OoMyo At Maulmain.
3	1	Hteg-po-ma	25		Buddhist.	392	Murder, abetment of Murder and Robbery. 7th December 1868. Capt. H. A. Browne, 22nd January 1869.	No. 3 Prisoner for Murder. Nos. 1 and 2 for abetment of murder Secs. 302 and 109-302.		Convicted & sentenced each to transportation for life. 30th April 1869.	At Maulmain.
	2	Amee	29			109/302					
	3	Nan-Ka-Wu-tsa	27			302					Assessors Moung Hmon. Moung Hning.

1	1	Nga Tah Moo ...	40	Buddhist.	212	Harbouring an offender 30th Oct 1868, Mr. C.J.F S. Forbes. 14th December 1868.		8th Jany. 1869.		At Maulmain. Assessors { No 1 Moung Shwe Elk No 2 Moung Oung Doon.
4	1	Nga Poh	30	Buddhist.	396	Murder in Dacoity, 15th November 1868, Capt. C. E. Watson. 25th May 1869.	Murder in Dacoity, Sec. 396.		Convicted and sentenced to 10 years rigorous imprisonment 20th August 1869	At Maulmain. Assessors { Oo Pho Moungyit Oo Myo.
5	1	Ramasawmy	28	Heathen.	436	Mischief by fire, 17th June 1869, Capt. C. E. Watson. 20th Aug. 1869.	Mischief by fire &c., Sec. 436.		Convicted and sentenced to 4 years rigorous imprisonment. 20th August 1869	At Shwè-Gyeen Assessors { Moobara Khankhader Moodeen Itchapa
6	1	Nga Myit .	30	Buddhist.	326	Voluntarily causing grievous hurt &c, 7th August 1869, Capt. C. E Watson. 20th Aug. 1869.	Voluntarily causing grievous hurt, Sec. 326.		Convicted & sentenced to 10 years rigorous imprisonment.	At Shwè-Gyeen Assessors { Khader Moodeen Oopal Quay Oo Mhone
7	1 2	Nga Shwe Tsine Mee Bweng .	45 40	Buddhist.	366 & 372	Kidnapping, Selling or telling to hire a minor, 4th Augt 1869, Lieut.-Col. G Faithfull. 27th Sept. 1869.	2nd Prisoner for selling or telling to hire a minor, Sec. 372.	11th Nov. 1869.	2nd Prisoner convicted and sentenced to 6 years rigorous imprisonment. 11th November 1869.	At Tavoy. Assessors { Moung Bwa Shwe Bwen Shwe Gyoo
8	1	Nga Lin . .	33	Buddhist.	193	Giving false evidence &c., 8th Nov. 1869, Major A. G. Duff. 17th November 1869.	Giving false evidence, Section 193.		Convicted & sentenced to 2 years rigorous imprisonment.	At Maulmain. Assessors

MAULMAIN.
The 16th March 1870.

E. M. RYAN,
Offg. Comr. of Tenasserim and Sessions Judge.

No. V.

STATEMENT of Sentences of Death referred for the confirmation of the Chief Commissioner of British Burma, by the Sessions Judge of Tenasserim Division for the year ending 31st December 1869.

No. of referred Sentence.	Prisoners.			Offence which prisoner is convicted by Sessions Court with Section of Code thereto applicable.	Date of			Date of the Chief Commissioner's Court.		Remarks.
	Number.	Name.	Caste.		Commitment.	Conclusion of trial.	Referred to the Chief Commissioner's Court.	Receipt of the Record.	Final Order.	
1	2	3	4	5	6	7	8	9	10	11
1	1	Enurmun.	Mussulman.	Murder, Section 303.	24th April 1869.	5th May 1869.	5th May 1869.	10th May 1869.	13th May 1869.	Sentence of Death executed on the 19th May 1869.

No. VI.

STATEMENT of Criminal Trials and Judicial proceedings called for by the Chief Commissioner of British Burma for revision under Chapter XXIX of the Code of Criminal Procedure, and on Appeal under Chapter XXX of the same Code for the year ending 31st December 1869.

NONE.

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Commissioner of Tenasserim and Sessions Judge.

No. VII.

STATEMENT of Prisoners awaiting trial by Sessions Judge of Tenasserim Division at the end of the year 1869.

Number pending trial.	Prisoners. Number.	Prisoners. Name.	Prisoners. Caste.	Offence charged with Section of Code thereto applicable.	Date of Commitment.	Number of days during which the prisoners have been waiting trial.	Prisoners. In custody.	Prisoners. On Bail.	Date of decision if decided since the close of the month to which the Statement refers.	Explanation of the delay by the Sessions Judge of cases pending for 3 months and upwards.
1	2	3	4	5	6	7	8	9	10	11
1	1	Nga Poh		Belonging to a Gang of Dacoits, Sec. 400.	20th Aug. 1869.	132	1		8th Jany. 1870.	
	2	Dee Dote								
2	1	Nga Noo		Murder and abetment of Murder, Secs. 302, 109-302.	31st Oct. 1869.	60	1			
3	1	Nga Kan		Murder, Sec. 302.	31st Oct. 1869.	60	1			
4	1	Nga Shwè Tha		Murder, &c. Secs.						
	2	Nga Ailay		302, 109-302, 307 & 212.	3rd Dec. 1869.	28	1			
5	1	Nga Pwah *alias* Tsaing Tsa galay		Murder, Sec. 302.	17th Dec. 1869.	14	1			
6	1	Twa Kaw gwon		Culpable Homicide, Secs. 304 & 325	21st Dec. 1869.	10	1		19th Jan. 1870.	

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Comr. of Tenasserim and Sessions Judge.

A.

ABSTRACT STATEMENT of Criminal cases brought to trial and disposed of in the several Districts of the Division of Tenasserim during the year 1869.

District.	Under Trial at the close of 1868.		Brought to Trial during 1869.		Total of Persons.	Disposed of on Trial.			Withdrawn.	Died, escaped or transferred.	Under Trial at the close of 1869.		Total amount of Fines.			
	Cases.	Persons.	Cases.	Persons.		Committed.	Convicted.	Acquitted.			Cases.	Persons.	Imposed.	Realized.	Applied in compensation under Section 44 of the Code of Criminal Procedure. Ordered.	Applied in compensation under Section 44 of the Code of Criminal Procedure. Paid.
Amherst ..	21	36	1,355	2,358	2,394	21	1,039	1,115	86	2	34	131	1,95,728	11,105-12-0	1,173-5-4	912-9-4
Maulmain ...	29	49	1,745	3,688	3,737	23	1,942	1,617	139	2	6	14	15,258	13,699-2-6	233-8-0	233-8-0
Tavoy ...	3	7	286	424	431	2	224	136	68	..	1	1	3,315	2,421	306-0-0	206-0-0
Mergui ..	...	...	335	487	487	2	353	83	49	...	...	...	3,465-4-6	2,056-4-6	774-6-3	334-6-3
Shwè-Gyeen...	6	22	745	1,303	1,325	8	778	385	153	...	1	1	8,536-2-0	4,873-2-0	1,687-4-6	1,687-4-6
Total...	59	114	4,466	8,260	8,374	56	4,336	3,336	495	4	42	147	226,302-6 6	34,155-5-0	4,174-8-0	3,373-12-1

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Comr. of Tenasserim and Sessions Judge.

B.

STATEMENT shewing the duration of Criminal Cases and the detention of Witnesses in the several Districts of the Division of Tenasserim during the year 1869.

1	Number of Cases decided within days as under.														17	18	19	20	Number of Witnesses discharged after											33
District.	2 Day.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	8 Days.	9 to 15 Days	16 to 24 Days.	25 to 30 Days	31 to 45 Days.	46 to 60 Days.	61 to 90 Days.	91 to 120 Days.	Total No. of cases.	Total No. of days.	Average duration of each case	Date of oldest case pending.	1 Day.	2 Days.	3 Days.	4 Days.	5 Days.	6 Days.	7 Days.	8 Days.	9 to 15 Days.	16 to 23 Days.	24 to 30 Days.	More than 30 Days.	Total
Amherst	413	147	93	113	79	60	54	44	123	103	48	39	15	12	1,342	9,944	8	.	2,691	242	47	37	27	10	2	2	0	0	0	0	3,060
Maulmain	897	378	144	81	28	53	30	22	72	39	13	7	2	2	1,768	5,504	3	20th Dec. 1869	2,887	360	169	42	20	0	0	0	0	0	0	0	3,478
Tavoy	102	33	22	23	12	20	17	10	28	15	3	3	0	0	288	1,630	5		1,109	14	6	0	0	4	0	0	0	0	0	4	1,137
Mergui	123	112	48	23	12	7	2	3	6	0	0	0	0	1	335	872	2		808	22	7	0	0	0	0	0	0	0	0	0	837
Shwè-gyeen	182	193	123	108	62	41	13	8	6	4	2	0	1	0	750	2,286	3	31st Aug 1868	1,855	109	0	0	0	0	0	0	0	0	0	0	1,964
Total	1,717	863	430	348	193	181	116	87	235	161	66	49	18	15	4,483	20,236	21		9,350	747	229	79	47	14	2	4	0	0	0	4	10,476

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Comr. of Tenasserim and Sessions Judge.

C.

STATISTICS of Criminal Justice in the General Magistrate's Court of the Tenasserim Division of British Burma during the year 1869.

1	2	3	4	5	6	7	8	9	10	11	12	13		14		15	16	17	18	19	20	21		22		23	24	25	26	
DISTRICT.	Years.	Under Trial at the close of 1868.		Brought to trial during the year including transferred.		Total No. of Persons brought to Trial during the year.		Number of Persons Convicted.		Number of Persons committed.		Number of Persons acquitted.				No. of Persons who escaped, died, were transferred or otherwise dealt with.		Number under trial at the close of the year.		TOTAL AMOUNT OF FINES.						Proportion of persons brought to trial for Non-Bailable offences to population.	Proportion of persons brought to trial for Bailable offences to Population.	Proportion of convictions and commitments to No. of persons brought to trial in Non-Bailable offences.	Proportion of convictions and commitments to No. of persons brought to trial in Bailable offences.	Population.
		In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.		In Bailable offences.		In Non-Bailable offences.	In Bailable offences.	In Non-Bailable offences.	In Bailable offences.	Imposed.	Realized.	Compensation under Section 44, of the Code of Criminal Procedure.							
																						Ordered.		Paid.						
												Acquitted.	With-drawn.	Acquitted.	With-drawn.															
Amherst.....	1869.	11	25	423	1,935	434	1,960	202	837	18	3	210	0	905	86	2	0	2	129	19,572 8 0	11,105 12 0	1,173	5 4	912	9 4	.27	1.20	50.69	42.85	163,140
Maulmain....		1	48	200	3,488	201	3,536	113	1,830	23	0	65	0	1552	139	1	1	0	14	15,258 0 0	13,699 2 6	233	8 0	233	8 0	.28	4.94	67 16	51.75	71,580
Tavoy.....		0	7	76	348	76	355	67	157	2	0	7	0	129	66	0	0	0	1	3,815 0 0	2,421 0 0	306	0 0	206	0 0	.11	.51	90.79	44.23	69,780
Mergui		0	0	39	448	39	448	35	318	2	0	2	0	81	49	0	0	0	0	3,465 4 6	2,056 4 6	774	6 3	334	6 3	.9	1.2	94.87	70.98	43,758
Shwé-Gyeen..		1	21	237	1,066	238	1,087	187	591	8	0	42	0	343	153	0	0	1	0	8,536 2 0	4,873 2 0	1,687	4 6	1,687	4 6	17	81	81.93	54.36	133,200
Total....		13	101	975	6,837	988	7,386	599	3,733	53	3	326	0	3010	495	3	1	3	144	50,146 14 6	34,155 5 0	4,174	8 1	3,779	12 1	.20	1.53	66.39	50.88	482,058

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Commissioner of Tenasserim and Sessions Judge.

D.—I.

STATEMENT shewing the Criminal Cases, Sessions and Appeals, brought to trial and disposed of by the Commissioner Tenasserim Division, British Burma, during the year 1869.

District.	Sessions Cases.										Appeal Cases.									Remarks.
	Pending at the close of 1868.		Committed during 1869.		Total Persons.	Disposed of on trial.		Transferred or otherwise disposed of.	Pending at the close of 1869.		Pending at the close of 1868.	Preferred during the year 1869.	Total Cases.	Rejected.	Disposed of on trial.—Sentence of lower court.			Transferred or otherwise Disposed of.	Pending at the close of 1869.	
	Cases.	Persons.	Cases.	Persons.		Convicted.	Acquitted.		Cases.	Persons.					Confirmed.	Modified.	Reversed.			
Amherst	1	1	5	8	9	5*	1	...	2	3	1	14	15	...	8	4	3	...	...	* Referred to Chief Court under Capital sentence which was confirmed.
Tavoy	...	...	1	2	2	1	1	...	...	...	..	4	4	...	2	1	1	...	...	
Mergui	...	...	1	2	2	...	...	2†	...	...	...	2	2	...	2	...	..	...	...	† Died in Gaol.
Shwè-Gyeen	...	...	8	9	9	4	...	...	4	5	...	5	5	...	4	...	1	...	...	
Maulmain	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	...	1	...	..	
Total	1	1	15	21	22	10	2	2	6	8	1	26	27	..	16	5	6	...	..	

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Officiating Commissioner of Tenasserim and Sessions Judge.

D.—2.

STATEMENT shewing the Criminal cases, Sessions and Appeals, brought to trial and disposed of by the Deputy Commissioners Tenasserim Division, British Burma, during the year 1869 *under Section* 445 *A. of Act VIII of* 1869.

District.	Sessions Cases.										Appeal Cases.									
	Pending at the close of 1868.		Committed during 1869.		Total Persons.	Disposed of on trial		Transferred or otherwise disposed of.	Pending at the close of 1869.		Pending at the close of 1868.	Preferred during the year 1869.	Total Cases.	Rejected.	Disposed of on trial Sentence of Lower Court			Transferred or otherwise disposed of.	Pending at the close of 1869.	Remarks
	Cases.	Persons.	Cases.	Persons.		Convicted	Acquitted.		Cases.	Persons.					Confirmed.	Modified.	Reversed.			
Amherst	...	...	7	13	13	8	5	...	...	...										
Tavoy	...	...	...	...	...	...	...	...	...	...										
Mergui...	..	...	..	...	...	...	...	...	.	..										
Shwè-gyeen... ...	...	...	...	...	...	...	...	...	...	...										
Total ...	...	...	7	13	13	8	5	...	.	.										

MAULMAIN,
The 16th March 1870.

E. M. RYAN,
Offg. Commissioner of Tenasserim and Sessions Judge.

A.

1	2	WHIPPING IN LIEU OF OTHER PUNISHMENT UNDER SECTION 2, ACT VI 1864												WHIPPING IN LIEU OR IN ADDITION ON A SECOND CONVICTION FOR OFFENCES IN COL. 1 SEE SECTION 3, ACT VI OF 1864											
NATURE OF OFFENCE.	Section of the Indian Penal Code under which it comes	No. of Persons Flogged												No. of Persons Flogged											
		Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
		Amherst.			Maulmain			Tavoy			Mergui			Shwegyeen			Amherst.			Maulmain			Tavoy			Mergui			Shwegyeen		
1. Theft	378	0	0	0	0	0	0	1	0	0	0	0	0	1	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0
2 Do in building, tent or vessel	380	0	1	0	0	5	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
3 Do by clerk or servant.	381	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Do, after preparation for causing death or hurt	382	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5 Extortion by threat	388	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6. Putting a person in fear of accusation in order to commit extortion ...	389	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7 Dishonestly receiving stolen property	411	0	1	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8 Do in the commission of a Dacoity	412	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9 Lurking house trespass or house breaking in order to commit an offence punishable with whipping	443 &445	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10. Do by night	444& 446	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11 Assault .	354	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12 Causing hurt	323	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13 Abusing the Judge		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total		0	2	0	0	5	1	1	1	0	0	1	2	0	1	5	0	1	0	0	2	0	0	0	0	0	0	0	0

A.—(*Continued.*)

WHIPPING IN ADDITION TO OTHER PUNISHMENT ON A SECOND CONVICTION FOR THE OFFENCES DETAILED BELOW UNDER SECTION 4, ACT VI OF 1864

13	14	15			16			17			18			19		
Nature of Offence.	Section of the Indian Penal Code.	No. of Persons Flogged.														
		Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes	Up to 10 Stripes	Up to 20 Stripes.	Up to 30 Stripes	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.	Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
		Amherst.			Maulmain			Tavoy.			Mergui.			Shwo-gyeen.		
1 Giving or fabricating false evidence. ..	193	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2 Do. with intent to procure conviction of a capital offence ..	194	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3 Do. do of an offence punishable with transportation or imprisonment ..	195	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4. Falsely charging any person with having committed an unnatural offence ..	211 & 377	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5. Assaulting or using criminal force to any woman with intent to outrage her modesty.	354	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6. Rape .	375	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7. Unnatural offences .	377	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8. Robbery or Dacoity	390 & 391	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9. Attempting to commit Robbery ..	393	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10 Voluntarily causing hurt in committing Robbery .	394	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11. Habitually receiving or dealing in stolen property	413	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12. Forgery ..	463	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13. Do. of a document ..	466	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14. Do .	467	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15. Do for the purpose of Cheating ..	468	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16. Do. do. of harming the reputation of any person .	469	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17 Lurking house trespass or house breaking .	453 & 445	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18. Do by night	444 & 446	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total....		0	0	0	0	0	0	0	0	0	*0	0	0	0	0	0

MAULMAIN,
The 16th March 1870.

E M. RYAN,
Offg Comr of Tenasserim and Sessions Judge.

B.

CASES of Juvenile Offenders punished with Whipping under Section 5, Act VI of 1864, *in the Tenasserim Division of British Burma for the year* 1869.

District.	Nature of Offence.	Section of the Indian Penal Code.	No. of Persons flogged.		
			Up to 10 Stripes.	Up to 20 Stripes.	Up to 30 Stripes.
Amherst.....	None	.....	.....	.....	.....
Maulmain.....	Theft	380	1	3	.....
Tavoy.....	Do.	379	1	.....	.....
Mergui.....	None	.....	.....	.....	.....
Shwè-gyeen.....	Do.	.....	.....	.....	.....
	Total.....	.....	2	3	.....

C.

APPEALS under the Whipping Act in the Tenasserim Division of British Burma during the year 1869.

NONE.

Maulmain,
The 16th March 1870.

E. M. RYAN,
Offg. Commissioner of Tenasserim and Sessions Judge.